

**AUBURN CITY COUNCIL
REGULAR SESSION AGENDA**

City Hall, Council Chambers
1225 Lincoln Way, Auburn, CA 95603

**September 9, 2013
Regular Session 6:00 p.m.**

Meeting facilities are accessible to persons with disabilities. Requests for Assistive Listening Devices or other considerations should be made through the City Clerk's Office at (530) 823-4211, Ext. #112

CALL TO ORDER

ROLL CALL

PLEDGE OF ALLEGIANCE

**MAYOR'S COMMENDATIONS/PROCLAMATIONS/ACKNOWLEDGEMENTS/
ANNOUNCEMENTS**

AGENDA APPROVAL

This is the time set aside for council members and/or the public to ask for removal, postponement or a change to the listed sequence of an agenda item.

CONSENT CALENDAR

All matters listed under the Consent Calendar are considered to be routine in nature and will be approved by one blanket motion with a roll call vote.

There will be no separate discussion of these items unless persons request specific items to be removed from the Consent Calendar for discussion and separate action. Any items removed will be considered after the motion to approve the Consent Calendar.

1. **Minutes** **Pages 5-20**

By **MOTION**, approve the City Council minutes of 8/12/2013 and 8/26/2013.

2. **Auburn Police Officers Association Memoranda of Understanding** **Pages 21-62**

By **RESOLUTION**, adopt the MOU between the Auburn Police Officers Association and the City of Auburn for the period July 1, 2012 through June 30, 2014, and authorize the City Manager to sign on behalf of the City; and

By **RESOLUTION**, authorize Employer Paid Member Contributions.

3. **1101 High Street Demolition – Notice of Completion** **Pages 63-66**

By **RESOLUTION**, authorize the recording of a Notice of Completion to Sterling Holloway, III, Inc. for the 1101 High Street Demolition.

4. **Approval of a Tax Sharing Agreement Between the County of Placer and City of Auburn for Annexation of 16.1 Acres Located at 880 and 890 Foresthill Avenue; and Payment of Annexation Fee**

Pages 67-114

A. By **RESOLUTION**, approve the Tax Sharing Agreement between the County of Placer and City of Auburn for the properties located at 880 and 890 Foresthill Avenue.

B. By **RESOLUTION**, approve a fee of \$5,220.35 for the annexation of properties located at 880 and 890 Foresthill Avenue.

5. **Update of the Recognized Obligation Payment Schedule** **Pages 115-124**

By **RESOLUTION**, approve and adopt an update to the Recognized Obligation Payment Schedule pursuant to Health and Safety Code Section 34177.

***** End of Consent Calendar *****

6. **Public Comment**

This is the time provided so that the public may speak to the Council on any item not on this agenda. Please make your comments as brief as possible. The Council cannot act on items not included on this agenda; however, the items will be automatically referred to staff. Please speak your name, spell your name, and provide your address if you desire. Council Members shall have the option to speak for 30 seconds on any item not on this agenda at this time.

COUNCIL BUSINESS

7. **Street Naming Ordinance** **Pages 125-132**

By MOTION, hold a second reading, by title only, and adopt an **ORDINANCE** repealing Section 158.236 and add new sections of the Auburn Municipal Code for Street Naming, as amended by City Council.

REPORTS

8. City Council Committee Reports

The purpose of these reports is to provide information to the city council and public on projects and programs that are discussed at committee meetings. **No decisions are to be made on these issues.** If a council member would like formal action on any of these discussed items, it will be placed on a future city council agenda.

ADJOURNMENT

Materials related to an item on this Agenda submitted to the Council after distribution of the agenda packet are available for public inspection in the City Clerk's Office, 1225 Lincoln Way, Room 8, Auburn, CA 95603 during normal business hours.

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CITY COUNCIL MINUTES

**August 12, 2013
REGULAR SESSION**

The Regular Session of the Auburn City Council was held in the Council Chambers, City Hall, 1225 Lincoln Way, Auburn, California on Monday, August 12, 2013 at 6:00 p.m. with Mayor Hanley presiding and City Clerk Stephanie L. Snyder recording the minutes.

CALL TO ORDER at 5:30 p.m. for closed session.

ROLL CALL:

Council Members Present: Keith Nesbitt, J. M. "Mike" Holmes, William W. Kirby, Bridget Powers, Kevin Hanley

Council Members Absent: None

Staff Members Present: City Manager Robert Richardson, Assistant City Attorney Michael Cobden, Community Development Director Will Wong, Public Works Director Bernie Schroeder, Transit Analyst Megan Siren, Fire Chief Mark D'Ambrogi, Police Chief John Ruffcorn and Lt. Victor Pecoraro.

By **MOTION** adjourn to a Closed Session under Government Code Section 54957.6

MOTION: Nesbitt/Holmes/Unanimously approved

1. **Conference with Labor Negotiators:**
(G.C. 54957.6)

Agency Designated Representatives: Robert Richardson, Patrick Clark

Employee Group: All Units

REPORT OUT OF CLOSED SESSION

Mayor Hanley reported that there was a settlement agreement reached in the APOA lawsuit. He also reported on the labor contract for the APOA, and directed staff to prepare an MOU for the unit.

PLEDGE OF ALLEGIANCE

AGENDA APPROVAL

The agenda was approved by consensus of the Council.

CONSENT CALENDAR

1. **Minutes**

By **MOTION**, approve the City Council minutes of July 8, 2013.

2. **Labor Agreements for the Auburn Employee Association and City Hall Employees Association**

By **RESOLUTION 13-86**, adopt the approved salary and benefit adjustment between the Auburn Employees Association and the City of Auburn for the period July 1, 2013 through June 30, 2014.

By **RESOLUTION 13-87**, adopt the approved salary and benefit adjustment between the City Hall Employees Association and the City of Auburn for the period July 1, 2013 through June 30, 2014.

3. **Street Resurfacing Project – Oakridge Way/ Shockley Area**

By **RESOLUTION 13-88**, authorize the recording of a Notice of Completion to VSS International, Inc. and Central Valley Engineering & Asphalt, Inc. for the Street Surfacing Project on Oakridge Way, Auburn Glen Subdivisions & Shockley Area.

4. **Corporation Yard Equipment Purchase – Shop Hoist**

By **RESOLUTION 13-89**, authorize the Director of Public Works to purchase a Shop Hoist from Eagle Automotive Equipment in an amount not to exceed \$18,000.

5. **Appointment to Redevelopment Agency Successor Agency's Oversight Committee**

By **RESOLUTION 13-90**, appoint the City's Administrative Analyst to the Successor Agency Oversight Committee.

6. **Radio Receiver Acquisitions**

By **RESOLUTION 13-91**, authorize the purchase of three Kenwood TK-7360 radio receivers, three PTG 10 Tone Generators and the supporting hardware to complete the upgrade and narrow banding of the police radio system.

7. **Surplus Radio Equipment**

By **RESOLUTION 13-92**, authorize the City Manager or his designee to surplus radio equipment for the Auburn Police Department.

***** End of Consent Calendar *****

By **MOTION**, approve the consent calendar, noting Council Member Kirby's abstention on Item #3.

MOTION: Nesbitt/Powers/Approved 5:0 (Kirby abstained item #3)

8. **Public Comment**

Mayor Hanley announced that the City of Auburn outpaced all other cities in May's "Bike Month" challenge, and gave congratulations.

PUBLIC HEARING

9. **Ordinance Amendment – Emergency Shelters**

Community Development Director Will Wong made the staff presentation. He said this is a continued discussion regarding the emergency shelter zoning. He provided a brief summary of the background of past discussions.

Council Member Nesbitt spoke about the hybrid zone maps that he provided.

Council Member questions followed regarding: (1) entitlements, (2) ability for other property owners to add emergency shelter overlay to their property, (3) timelines/deadlines and (4) designating parcels within a zone.

Council Member Powers asked for a brief overview of the proposed ordinance. She said she also provided maps to the Council for consideration.

Council Member Nesbitt said it's important to designate an area close to services and transportation for the homeless.

Council Member Nesbitt and Powers explained their proposed maps further. They both said their maps are based on feedback they received from constituents.

Council Member questions followed regarding designating certain properties and the location of the Salvation Army in Auburn.

Public comment followed from residents expressing concern of homeless shelter zoning, supporting alternative solutions, support of homeless shelter zoning, creating a well-run facility, local homeless population, safety, benefits of homeless shelters and services, proximity to parks, heritage of Auburn, multi-jurisdictional approach, community, property values, impact on business owners, and addressing homeless problems.

Rosanne McHenry, Bhakti Banning, Ann Fenn, Joanna Bergez, Michael Haviland, Bob Litchfield, Dan Appel, Richard Vorous, Suzi de Fosset, Executive Director of the Gathering Inn; Kathy Jordan, Diana Boyer, Antoinette Fabela, Alma Paz, Vernon McHenry, Peggy Meadows, Donna Howell, Penny Jersey, Herb Whitaker, Managing Attorney for Legal Services of Northern CA; Amy Albert, and Barbara Smith, pastor of Pioneer United Methodist Church.

Council recessed at 7:50 p.m., and returned at 8:00 p.m.

Council Member Nesbitt said there is no ideal place in Auburn to build a homeless shelter. He said the best that can be done, is to locate an adequate site. He said the location needs to be close to transportation and other services. He said he supports creating a zone within a zone, so appropriate parcels within the zone can be chosen.

Council Member Holmes said this issue should have been brought to City Council much earlier (bill passed in 2007). He said he doesn't agree with the comments that a majority of homeless are either alcohol or drug addicted. He said some need help getting back on their feet.

Council Member Kirby said this issue has not been rushed and has been discussed tirelessly. He said the shelter is intended to accommodate people who are temporarily homeless and need help to get back on their feet. He said a community with a homeless shelter can save money by getting people into transitional housing. He said he supports the parcel idea. He said there are two populations of homeless, and the people who would use this shelter are not people to fear.

Council Member Powers said she supports the idea of choosing parcels within a zone. She stressed that the Planning Commission has held just as many hearing on this issue to try to come up with a solution. She spoke about Placer County being a very generous giving community. She said communication and education to both the public and the homeless population is crucial.

Mayor Hanley said due to these types of state mandates, the City Council had looked at becoming a charter city to have more power at a local government level. He spoke about the multi-jurisdictional approach. He

spoke about possible lawsuits and a waste of taxpayer's money if this mandate is not complied with. He said he agrees that there are different segments of the homeless population. He said the city needs to help the people who want help while still maximizing public safety. He said a shelter needs to be close to homeless services. He said the only location that would fit these requirements is the Palm and Elm Ave. Area.

Council Member Holmes suggested the 12 acre parcel that was the property of the Auburn Urban Development Authority off Blocker Drive. He said it is near transportation, grocery stores and other services.

Council Member Nesbitt said he still likes the option of the property off Epperle. He said he creating a zone within the zone addresses many of the problems.

Council Member Powers spoke about the Blocker Drive property.

Asst. City Attorney Michael Cobden explained the number of parcels that need to be zoned to meet HDC requirements.

Will Wong spoke about the adequate number of parcels according to an interpretation of the statute.

Council Member comments followed regarding possible locations.

Council Member Nesbitt said he supports the 4 parcels that are noncontiguous to Hwy 49 and adding the Epperle property.

Council Member Holmes spoke about the Epperle property and the School District Administration.



By **MOTION**, direct staff to finalize an ordinance amendment for Emergency Shelters and Transitional and Supportive Housing, and prepare all necessary accompanying entitlements for the zone(s) and/or locations identified by City Council (see blue and red zone on map).

MOTION: Hanley/Powers/Approved 3:2 (Nesbitt & Holmes voted no)

COUNCIL BUSINESS

10. Road Overlay Report Fiscal Year 2013/14 – Fiscal Year 2022/23

Public Works Director Bernie Schroeder presented this item. She reviewed the overlay report purpose, the road report, pavement failure and pavement condition indexes, prioritizing streets, city street highlights, and suggested recommendations for consideration. She spoke about extending the life of the roads by more aggressive pavement maintenance.

Council Member questions followed regarding: (1) budgeted purchases, (2) roadway measurement terms, (3) Pine Street resurfacing, (4) sections of Placer Street (5) Virginia Street overlay (6) East Placer Street overlay candidate/ sewer work, (7) handicapped access, (8) video detection on a signal, (9) \$500,000 targeted budget for payment overlays, (10) Almond Street, (11) sidewalk improvements, and (12) report availability on the website.

Public comment:

Alex Fisch, resident of Auburn, spoke about the importance of the quality of infrastructure. He spoke about prioritizing work with limited funds. He spoke about the condition of Shields Avenue. He spoke about reprioritizing work.

Bob Jordan, resident of Auburn at corner of Huntley and Grace, asked if his street is scheduled for repair.

Council Member Powers spoke about Greenfield Road. She asked about the conservative approach to the overlay plan.

Council Member Nesbitt spoke about the problem with the seams in the road.

Council Member Holmes said he is happy to see a realistic plan. He spoke about the sidewalk behind the Union Bank.

Mayor Hanley said road repair is a high priority. He said in the next year's budget, the road overlay needs to be augmented. He also spoke about the priority of the Downtown area. He said the City needs to communicate to residents what their responsibility is, and what the City's responsibility is.

By **RESOLUTION 13-93**, adopt the FY 2013/14 – FY 2022/23 Road Overlay Report.

MOTION: Holmes/Kirby/Approved 5:0

REPORTS

11. City Council Committee Reports

Council Member Holmes reported on National Night Out at Recreation Park stating there was low attendance. He reported on the Heritage Trail event last weekend. He also reported Keith Lukens passed away recently and requested that the meeting adjourn in his memory.

Mayor Hanley spoke about Keith Lukens contributions to the community. He reported on the Heritage Trail event last weekend also.

ADJOURNMENT

Mayor Hanley adjourned the meeting, without objection, in memory of Keith Lukens at 9:37 p.m.

Kevin Hanley, Mayor

Stephanie L. Snyder, City Clerk

CITY COUNCIL MINUTES
August 26, 2013
REGULAR SESSION

The Regular Session of the Auburn City Council was held in the Council Chambers, City Hall, 1225 Lincoln Way, Auburn, California on Monday, August 26, 2013 at 6:00 p.m. with Mayor Hanley presiding and City Clerk Amy M. Lind recording the minutes.

CALL TO ORDER

ROLL CALL:

Council Members Present: Keith Nesbitt, J. M. "Mike" Holmes, William W. Kirby, Bridget Powers, Kevin Hanley

Council Members Absent: None

Staff Members Present: City Manager Robert Richardson, City Attorney Michael Colantuono, Community Development Director Will Wong, Associate Planner Lance Lowe, Fire Chief Mark D'Ambrogi, Police Chief John Ruffcorn and Police Lieutenant Victor Pecoraro .

PLEDGE OF ALLEGIANCE

MAYOR'S COMMENDATIONS/PROCLAMATIONS/ACKNOWLEDGEMENTS/ANNOUNCEMENTS

Mayor Hanley welcomed the Boy Scout Troop from Newcastle.

AGENDA APPROVAL

City Manager Bob Richardson removed item 7 due to the Auburn Police Officers Association's legal representation requesting additional time to review the Memorandum of Understanding.

Council Member Keith Nesbitt moved item 13 to follow item 10; being the two items are both related to street naming.

The remainder of the agenda was approved as presented by consensus of the Council.

CONSENT CALENDAR

1. **Minutes**

By **MOTION**, approve the City Council minutes of July 22, 2013 and July 29, 2013.

2. **Appointment of Arts Commissioners**

By **RESOLUTION 13-94**, appoint Frank Ordaz and Kaz Huette to the Auburn Arts Commission.

3. **Approval of Warrants Paid – July 2013**

By **RESOLUTION 13-95**, ratify and approve payment of warrants 82877 through 83060 totaling \$1,600,850.32.

4. **New Job Classification and Reallocation of the Accounting Technician**

By **RESOLUTION 13-96**, approve the new job classification of Technical Analyst and the reallocation of the Accounting Technician position to a Technical Analyst.

5. **Department Director Pay for Performance Agreements**

By **RESOLUTION 13-97**, approve the Pay for Performance Agreements for the Department Directors.

6. **Community Development Director Pay for Performance Agreement**

By **RESOLUTION 13-98**, approve the pay for performance agreement for the Community Development Director.

7. **Auburn Police Officers Association Memoranda of Understanding**

Removed from the agenda.

8. **Animal Control and Care Services**

By **RESOLUTION 13-99**, approve the agreement with Placer County Health and Human Services for contract services from July 1, 2013 through June 30, 2015.

***** End of Consent Calendar *****

By **MOTION**, approve the consent calendar, excluding item 7.

MOTION: Nesbitt/ Powers/ Approved 5:0

9. **Public Comment**

Cheri Fry, legislative director for Assemblyman Brian Dahle, introduced herself and welcomed the Council to contact their office for any needs.

Council Member Holmes suggested the Ad Hoc Quasquicentennial Committee be sunset as the events are coming to an end.

PUBLIC HEARING

10. **Street Naming Ordinance**

Associate Planner Lance Lowe presented this item. He said this ordinance would repeal section 158.236 and add new sections in the Municipal Code related to street naming. He said the Baltimore Ravine Specific Plan Developer has been contacted and has no comment at this time. He said the new ordinance would apply to both public and private streets, and all streets shown on parcel maps and subdivision maps for future streets. He explained the process of applying for alternative street names. He said the Planning Commission had three items for Council consideration: (1) ordinance should apply only to public streets, (2) exempt existing approved tentative maps, and (3) notify applicants of existing tentative maps.

Council Member Powers asked about notification and existing tentative maps. She also asked about the proposed fee for alternative street names and the process for developers in the future.

Council Member Kirby asked about the current policy in place for street naming. He asked if the street names could be "suggested" instead of "mandated".

Community Development Director Will Wong said the Council direction was to create an ordinance requiring applicants to pick from city approved street names.

Council Member Holmes asked for a brief summary of the major differences between the existing ordinance and the proposed ordinance.

Lance Lowe said the existing ordinance doesn't have provisions for street naming. He said the proposed ordinance has new provisions that set up a new process for street naming.

Council Member Holmes asked about existing unnamed streets. He asked how the fee was determined.

Lance Lowe explained why the provision regarding unnamed street names is included in the new ordinance. He said the fee (an at-cost deposit) was based on the time incurred to provide the additional work on alternative street name applications.

Council Member Nesbitt asked about the notification sent to people with tentative or vesting maps. He asked where in the process the street naming approval would come before the Council.

Mayor Hanley asked about the letter of notification sent to the approved map owners and existing maps exclusions.

City Attorney Michael Colantuono said if the Planning Commission recommendation is approved, it would exempt Baltimore Ravine which would be governed by the existing ordinance. He said if the staff recommendation is approved it would not exempt Baltimore Ravine from the new ordinance.

No public comment.

Council Member comments followed regarding: (1) exemptions on tentative maps, (2) developers intended themes, and (3) neighboring city ordinances.

Council Member Kirby said he supports the final say by Planning Commission and Council on street names, "suggested" list of street names and that the ordinance would apply to every development currently in process.

Mayor Hanley said he supports the ordinance with two changes: (1) no private streets included and (2) no fee for the alternative street name application. He said he favors an approved street name list from the beginning of the development process.

Council Member Nesbitt spoke about the themes and street names the Streetscape History and Art Advisory Committee recommended.

Council Member Holmes moved that this item be sent back to the Planning Commission to make it simpler, exempt all maps already approved, City Council has final approval on street names and no fee for alternative street names. Council Member Kirby seconded.

Motion failed: 1:4 (Nesbitt, Kirby, Powers, Hanley voted no)

Council Member Holmes said this process has gotten too complicated and more bureaucratic than it needs to be.

Council Member Nesbitt said he does not support this item going back to the Planning Commission, saying he thinks it can be revised at tonight's meeting.

Mayor Hanley requested another notice be sent regarding the 5 public streets that could be affected by this ordinance.

Mayor Hanley moved to introduce and hold a first reading, by title only, of an ordinance repealing Section 158.236 and adding new sections of the Auburn Municipal Code for Street Naming, which includes:

1. Adoption of a Statutory Exemption prepared for the Street Naming Ordinance as the appropriate level of environmental review in accordance with Section 15061 (b)(3) of the California Environmental Quality Act (CEQA) and Guidelines;

2. Adoption of Findings of Fact for approval of the Street Naming Ordinance, as presented in the staff report; and

3. Approval of the Street Naming Ordinance **as revised below:**
To not include private roads, to not include a fee for alternate street names, that previously approved maps will not be exempt and to have a "suggested" street name list (with intent language that the City of Auburn wants to honor the history of Auburn in the beginning of the development process).

Council Member Powers seconded but later withdrew her second.

Council Member Kirby seconded the motion.

MOTION: Hanley/ Kirby/ Approved 4:1 (Holmes voted no)

COUNCIL BUSINESS

10a. **Recommendation from Streetscape History and Art Advisory Committee**

Council Member Nesbitt presented this item. He said the focus was Baltimore Ravine and other future developments. He said themes were developed first: Railroad, Family Names, Nisenan and Gold Mining. He also read the names proposed in each theme.

Council Member Holmes corrected the spelling of Rosenberry in "Family Names" and requested the Holmes Family be removed because there is a "Holmes" Road in the County, he suggested replacing it with "Seavey". He explained the historical significance of Mr. Seavey.

Council Member Kirby asked if the name Yue was considered in "Family Names".

No public comment.

Council Member Powers suggested adding a theme based on the river and confluence that represents the natural resources in Auburn. She said the names need to be expanded in each theme to offer a wide variety.

Council Member Kirby said he would like the Yue and Overmiller Families considered in the Family Names theme.

Mayor Hanley spoke about expanding the Family Names theme.

By **MOTION**,

- 1) Approve all themes for street naming.
- 2) Add River/ Natural Resource theme
- 3) Approve names within theme(s) as corrected and encourage SHAAC to expand in each category (adding Yue, Seavey, and Overmiller).

MOTION: Powers/ Hanley/ approved 5:0

*****City Council recessed at 7:45 p.m., returning at 7:50 p.m.*****

11. **Auburn Homeless Community and Panhandling**

Police Chief John Ruffcorn presented this item regarding the City enhancing its relationships with local homeless service providers and adjoining government entities working towards solving homeless issues. He provided statistics on the police department's interactions with homeless in Auburn. He said for every dollar handed out to a panhandler it costs the community seven dollars in return in law enforcement, housing, jails and abandoned camps. He showed an educational video created by City Manager Bob Richardson.

Council Member Powers asked about educating people visiting from out of town on panhandling.

Council Member Holmes asked about homeless court and the aggressive panhandling ordinance.

Mayor Hanley asked about panhandling enforcement, illegal homeless camps and resources for the mentally ill.

Council Member Holmes asked about planned education materials.

Mayor Hanley asked about signage to educate the public.

Suzi de Fosset, resident of Auburn, Executive Director of the Gathering Inn, and member of Placer Consortium of Homelessness, spoke about homeless court and the community service option to work off a citation. She said homeless is a community problem and it is a community solution. She spoke of the importance of educating the public.

Kendall Porco, Director of Adventists Community Services, said she supports this educational campaign.

Sally Dawley, resident of Auburn, spoke of her experience with homeless/panhandlers in the area.

Council Member comments followed regarding: (1) support of this campaign, (2) additional funds to support campaign indefinitely, (3) distinction between panhandlers and homeless, (4) enforcement, (5) liquor stores, (6) crucial impact statements (7) problem areas, (8) educational materials, (9) working with businesses (10) illegal camping, (11) law enforcement training, and (12) working together with County.

By **RESOLUTION 13-100** authorize the expenditure of less than \$2,500 to create educational material and recommend that the City enhance its relationships with local homeless service providers and adjoining government entities to work towards solving homeless issues.

MOTION: Holmes/ Nesbitt/ Approved 5:0

12. **Auburn Recreation District (ARD) Report to Council**

ARD District Administrator Kahl Muscott and ARD Administrative Services Manager Joe Fecko presented ARD's Annual Report regarding Park Impact Mitigation Fees (annual report in staff report).

Council Member Holmes asked about the use of County mitigation fees. He asked about the bridge over the pond at Ashford Park.

No public comment.

Council Member Nesbitt said he appreciates the direction of taking care of existing facilities.

Council Member comments followed regarding the clear and thorough report.

13. **Recommendation from Streetscape History and Art Advisory Committee**

Moved to item 10a.

14. **League of California Cities Annual Conference Resolutions**

Council Member Kirby presented this item. He said he and Council Member Holmes will be attending the League of California Cities conference. He said he has strong concerns about the resolution regarding water bonds. He said it doesn't give clear direction about protecting Northern California's water.

Council Member Holmes asked Chief Ruffcorn his thoughts on the resolution regarding AB 109.

Chief Ruffcorn said he and the California Police Chiefs Association are in favor of the resolution.

No public comment.

Council Member Holmes said he supports the AB109 related resolution. He said he spoke with PCWA on the water bond resolution, who said there is no water bond at the moment and this is an effort on the part of Southern California to get into play when a water bond is developed, so it will "have something in there for everybody".

Council Member Nesbitt and Powers said they support the AB109 resolution and oppose the water bond resolution at this time.

Council Member Kirby said he is under the impression the water bond resolution will result in additional restrictions for Northern California. He said there is no way to protect salt water intrusion in the delta.

Mayor Hanley said he supports the AB109 resolution and opposes the water bond resolution and explained why.

By **MOTION**, to oppose the water bond issue resolution and support the AB109 related resolution before the League of California Cities Annual Conference.

MOTION: Holmes/ Kirby/ Approved 5:0

REPORTS

15. **City Council Committee Reports**

Council Member Holmes reported on the Arts Commission receiving a thank you letter for the contribution to the Tear Down the Wall project by Auburn Placer Performing Arts Center.

Council Member Nesbitt reported that SHAAC is working on the third interpretative sign. He reported on the upcoming Placer County Transportation Planning Agency acting as the Placer County Airport Land

Use Commission meeting where they will be looking at the airport compatibility plan.

Council Member Kirby reported on the Cal LAFCO Conference at Squaw Creek.

Council Member Powers reported on the Auburn Airport Business Park Association meeting. She also reported on the upcoming Placer County Economic Development Board meeting in Tahoe City. She reported on the Economic Development Commission and the upcoming events.

ADJOURNMENT

Mayor Hanley adjourned the meeting, without objection, at 8:45 p.m.

Kevin Hanley, Mayor

Amy M. Lind, Deputy City Clerk



Report to the Auburn City Council

Action Item

2

Agenda Item No.

City Manager's Approval

To: Mayor and City Council
From: Robert Richardson, City Manager
Date: September 9, 2013
Subject: APOA Memoranda of Understanding

The Issue

Shall the City Council approve the negotiated Memoranda of Understanding between the Auburn Police Officers Association and the City of Auburn?

Conclusion and Recommendation

By **RESOLUTION** adopt the Memorandum of Understanding between the Auburn Police Officers Association and the City of Auburn for the period July 1, 2012 through June 30, 2014, and authorize the City Manager to sign on behalf of the City; and, Adopt the **RESOLUTION** authorizing Employer Paid Member Contributions.

Background

As a means to secure a current Memoranda of Understanding (MOU) between the City of Auburn and Auburn Police Officers Association, both parties entered into negotiations and have tentatively agreed to the following general changes:

- 1) 2 year term through 06/30/14.
- 2) 4% one-time distribution effective pay period after adoption.
- 3) Cafeteria Plan.
- 4) Pick up LTD cost.
- 5) On Duty work out.

- 6) Add a 15-year longevity step:
 - a) Employee must have a performance evaluation of “meets expectations” or better in preceding 24 month period.
Performance criteria to be applied to all longevity steps. (7, 11, 15 & 20).
- 7) Employees pay 9% PERS starting as soon as administratively feasible.
- 8) PERS swap, salary increase of 3.16% starting as soon as administratively feasible.
- 9) 4% salary restoration eff. 07/01/13 with financial availability language with approved financial availability language.
- 10) Night shift increased from 2.5% to 5.0% of salary
- 11) Vacation sell back of 108 Hours:
 - a. 54 hours December of 2013
 - b. 54 hours June of 2014

Alternatives

1. Adopt the resolution authorizing the City Manager to execute the Memoranda of Understanding with the Auburn Police Officers Association.
2. Do not adopt the resolution and direct the City Manager accordingly.

Fiscal Impact

Estimated cost for FY 13-14 is estimated to be \$152,764

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MEMORANDUM OF UNDERSTANDING BETWEEN THE CITY OF AUBURN AND
AUBURN POLICE OFFICERS ASSOCIATION
July 1, 2012, through June 30, 2014

H.	LEAVE OF ABSENCE.....	
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CITY RIGHTS AND RESPONSIBILITIES

City retains, solely and exclusively, all the rights, powers and authority exercised or held prior to the execution of this Memorandum of Understanding, except as expressly limited by a specific provision of this Memorandum of Understanding. Without limiting the generality of the foregoing, the rights, powers and authority retained solely and exclusively by City and not abridged herein include, but are not limited to, the following, subject to the requirements of this Memorandum of Understanding and/or any provision of law whether it be statutory or judicial:

To manage and direct its business and personnel; to manage, control and determine the mission of its departments, building facilities and operations; to create, change, combine or abolish jobs, departments and facilities in whole or in part; to subcontract or discontinue work for economic or operational reasons; to direct the work force; to increase or decrease the work force and determine the number of employees needed; to hire, transfer, promote and maintain the discipline and efficiency of its employees to establish work standards, schedules of operation and reasonable work load; to specify or assign work requirements and require overtime; to schedule working hours and shifts; to adopt rules of conduct and penalties for violation thereof; to determine the type and scope of work to be performed and the services to be provided; to determine the methods, processes, means and places of providing services and to take whatever action necessary to prepare for and operate in an emergency.

Nothing in this Section shall be construed to limit, amend, decrease, revoke or otherwise modify the rights vested in the City by any law regulating, authorizing or empowering the City to act or refrain from acting.

PREAMBLE

This Memorandum of Understanding, hereinafter sometimes referred to as the "Agreement," entered into by and between the City of Auburn, hereinafter sometimes referred to as the "City," and the Auburn Police Officers Association, hereinafter sometimes referred to as the "Association," has as its purpose the establishment of an equitable and peaceful procedure for the resolution of differences and the establishment of rates of pay, hours of work and other conditions of employment for employees in the Police Service bargaining unit, as provided in the following Agreement.

SECTION 1.0

RECOGNITION

A. RECOGNITION

The City recognizes the Association as the exclusive representative of those employees within the bargaining unit for the purpose of meeting and conferring in good faith on matters within the mandatory scope of representation, pursuant to California Government Code Section 3500.

SECTION 2.0 ASSOCIATION RIGHTS

A. ACCESS TO EMPLOYEE WORK LOCATIONS

Representatives of the Association shall have the right of reasonable access to bargaining unit members outside of their assigned duties, before and after work hours, at meal and break periods, and at other non-work times with the approval of the City Manager or his/her designee.

B. DISTRIBUTION AND POSTING OF ASSOCIATION LITERATURE

The Association may use bulletin boards designated for its use in appropriate places. All items to be posted shall be officially authorized by the Association and shall bear the date of posting.

C. USE OF CITY FACILITIES

The City Manager or his/her designee, upon request, may permit the Association to use facilities, depending upon availability of space, for fleeting purposes at no charge. No request for use of City facilities shall be unreasonably denied.

D. DUES DEDUCTION

1. The City agrees that after receipt of a voluntary written and signed authorization from an employee, it will deduct from the wages of said employee the amount of monthly dues as certified on such form and forward said amount to the Association. Upon voluntary written notification by the employee indicating that the employee is no longer a member of the Association, the City will cease to deduct monthly dues from the employee's wages.
2. The Association agrees to indemnify, defend and hold the City harmless against all claims, demands, expenses, judgments or other liability on account of dues or charges collected by the City pursuant to this Agreement and paid over to the Association. The City will report to the Association on a monthly basis the

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amounts of dues forwarded to Association accounts. The Association agrees to refund to the City any amounts paid to it in error upon presentation of proper evidence thereof.

E. DISCRIMINATION

The City and Association agree not to discriminate against any employee for the employee's membership in, activity on behalf of or other means of lawful participation or refraining from participation in the Association which are authorized and protected by statutory law, Memorandum of Understanding or City Code, Ordinance or Resolution.

SECTION 3.0
GRIEVANCE PROCEDURE

A. PURPOSE

In order to establish harmonious and cooperative relationships between the City and its employees and to keep open channels of communication, it shall be the City's policy to provide for the settlement of differences through an orderly grievance procedure. It is the City's policy to assure its employees the right of access to this procedure, free from interference, restraint, coercion or reprisal for its reasonable use. The procedure applies to all employees of the City in the bargaining unit.

B. DEFINITION OF GRIEVANCE

A grievance is a complaint of an employee or group of employees alleging unfair treatment resulting from a management decision, or concerning the interpretation or application of this Agreement, or the City rules or regulations governing personnel practices or working conditions within the control of management and for which there are no other procedures in existence which may be used to resolve such as governed by Sections 1200, et seq., of the City's Personnel Rules. Disciplinary Actions and Appeals are governed by Sections 1300, et seq., of the City's Personnel Rules, and Government Code Sections 3300-3311..

C. EMPLOYEE'S RIGHT TO REPRESENTATION

An employee shall have the right to be represented by an employee representative at all times and at every formal step in the grievance procedure. An employee shall have the right to be represented by an Association agent or attorney at all times and at every step in the formal grievance procedure.

D. INFORMAL GRIEVANCE PROCEDURE

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All persons having a grievance shall make every effort to resolve such grievance by discussion with his/her immediate supervisor prior to submission of a formal grievance.

E. FORMAL GRIEVANCE PROCEDURE

1. In the event that a settlement is not effected after the informal review, the written grievance will be presented within ten (10) working days to the department head. The department head shall have ten (10) working days to investigate and render a written decision. Unless an extension of time has been agreed upon subject to confirmation in writing, failure of the department head to render a written decision within ten (10) working days shall constitute a denial of the grievance, and the grievant shall proceed to and be governed by the time limitations of step 2 of this procedure.
2. If a mutually satisfactory solution has not been reached, the grievant has five (5) working days to submit the grievance to the City Manager. The City Manager shall have ten (10) working days after receipt of the grievance in which to schedule such investigations or hearings as may be necessary and render a written decision. Unless an extension of time has been agreed upon subject to confirmation in writing, failure of the City Manager to render a written decision within ten (10) working days shall constitute a denial of the grievance and the grievant shall proceed to and be governed by the time limitations of step 3 of this procedure.

The time for processing a grievance shall not exceed thirty-five (35) days.³

Mediation Process

This procedure shall apply to disputes involving the interpretation and application of the MOU, including prevailing past practice or a negotiated personnel rule or regulation other than employee discipline.

- a. An appellant will be referred to mediation if the appellant is not satisfied with the disposition of the City Manager's review step of the procedure.
- b. Within (5) working days of the conclusion of the City Manager review ~~The~~ appellant must notify the employer in writing ~~within five (5) working days of the conclusion of the review~~ of the appellant's desire to refer the matter to mediation. The employer shall respond within (10) working days to the appellant and contact California State Mediation/ Conciliation Service to schedule a mediation hearing.
- c. Mediation conferences will take place at a mutually convenient location and shall not be open to parties other than those who are direct parties in the action.
- d. Proceedings before the mediator shall be confidential, informal in nature and shall not be admissible in any subsequent hearing. No transcript or record of the mediation conference shall be made. The mediator shall attempt to ensure that all necessary facts and considerations are revealed to him/her. In the event a resolution is reached, the matter shall be reduced to writing. In the event that a resolution is not reached, the parties may stipulate the unresolved issues in writing and submit them to the City Council within five (5) working days, in which case the grievant may resort to step 4 of this procedure. The costs of mediation, if any,

shall be borne equally by the parties. (However, each party shall bear its own costs for travel, witnesses, etc.)

4. Public Hearing before City Council .
 - a. If the grievant gives written notice to the City Manager in the time permitted by paragraph 3.d. above that he or she wishes to submit the unresolved issues to the City Council, the City Clerk shall give notice of a public hearing before the City Council on the unresolved issues at least ten (10) working days before the hearing. Upon written request by the grievant, the hearing shall be closed to the public. The grievant may ~~request~~ obtain one (1) continuance of a hearing without a stated reason provided the grievant does so in writing before the day of the hearing. The City Manager shall issue a written notice of continuance. Any subsequent continuance must be for good cause, ~~and states a reasonable basis for the request.~~ Unless the City Manager issues a written notice of continuance, for subsequent continuance requests, the hearing shall take place on the date, time, and location specified in the notice of public hearing. A grievant's failure to attend or to be represented at the public hearing shall constitute an abandonment of the grievance on the unresolved issues and a failure to exhaust administrative remedies.
 - b. The public hearing (or closed hearing, if elected by grievant) on the unresolved issues shall be conducted by the City Council on the date, time and location specified in the notice of public hearing or continuance. The parties may appear and offer evidence, call witnesses, and cross examine witnesses consistent with California Code of Civil Procedure section 11513, concerning the unresolved issues. After such public hearing, the City Council shall deliberate in closed session to the extent permitted under the Ralph M. Brown Act and render a written ~~or oral~~ decision and factual findings which identify support from the record.
 - c. The City Council's decision on the grievance shall be subject to judicial review in the manner specified in Code of Civil Procedure § 1094.5.

SECTION 4.0 **HOURS OF WORK AND OVERTIME**

- A. FORTY-TWO (42) HOUR WEEK
 1. A fourteen (14) day cycle will be used and during that fourteen (14) days, each sworn employee below the rank of Lieutenant will work eighty-four (84) hours.
 2. Each employee who works this shift will receive four (4) hours of pay at time and one-half.

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3. Pay periods will remain the 1st through the 15th, and the 16th through the last day of each month.
4. Overtime will be based on hours in excess of eighty (80) hours in a two (2) week period.
5. Use of vacation and sick leave will be charged on an hour-for-hour basis.
6. The scheduling concepts to be used within this framework may include twelve (12) hour shifts and other shifts that will increase police coverage and give more consecutive days off to employees.
7. The department shall give written notice to the employee of a change in an employee's work schedule. A change in an employee's work schedule shall be in effect for not less than seven (7) calendar days unless the employee, in writing, consents to a lesser period. Failure to give such notice, in writing, shall entitle the employee to two (2) hours compensation at straight time rate of pay (for example; a change from 8-to-5 to 1-to-9 without seven days' advance notice shall entitle the employee to the two (2) hours additional compensation).

B. OVERTIME AND OVERTIME COMPENSATION

1. For regular employees subject to regulation of the Department of Labor in the bargaining unit, any work required in excess of their normal workday and workweek (non-cumulative) shall be classed as overtime work.
2. Overtime work, when directly ordered by the department head or the City Manager, shall be compensated by pay at the rate of time-and-one-half the straight time rate or time off with pay at a rate of time-and-one-half the straight time rate, at the option of the employee. Compensatory time off may be accumulated up to sixty (60) hours, and the accumulation may continue beyond the fiscal year if approved by the City Manager. Overtime work beyond the sixty (60) hours accumulation limit will be compensated by cash payment at the time-and-one-half rate. Notwithstanding the forgoing, at the sole discretion of the City Manager, and on a case by case basis, cash payment for less than sixty (60) accumulated hours may be paid. However, Police Department employees may have the option of receiving all accumulated CTO in cash upon separation from the City.
3. Subject to the limitation of section 4.(B)(2) above, effective July 1, 1980, the City agrees to allow Auburn Police Department personnel, at the individual's option, to accumulate overtime and receive lump sum payoff as follows:

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- a. Accumulate from July 1 through November 30, with payoff on the first payday in December.
 - b. Accumulate from December 1 through June 30, with payoff on the first payday in July.
4. Sworn personnel shall receive a minimum of four (4) hours at time-and-one-half rate (6 hours) for non-canceled, subpoenaed court time during off-duty hours. Actual court time in excess of four (4) hours shall be paid at the rate of time-and-one-half the straight time rate. Unless given twenty-four (24) hours notice of cancellation, sworn personnel shall be compensated at a rate of two (2) hours overtime (which equals 3 hours of straight time).
5. Stand-by duty requires the employee so assigned:
 - a. To be ready to respond to calls for service; and
 - b. To be reachable by telephone or radio; and
 - c. To refrain from activities which might impair his/her ability to perform his/her assigned duties.
6. Stand-by for court duty may only be assigned by a department head or his/her designated representative.
7. Stand-by duty shall be compensated at a flat rate of Twelve Dollars (\$12.00) for weekdays and Fifteen Dollars (\$15.00) for weekends and holidays, for eight (8) hours (one normal shift) of stand-by duty, or any portion thereof, and shall be paid for in the pay period it is earned.

C. CALL OUT (Also See Side Letter – Attachment A)

1. When an employee, after completing his normal work shift and leaving his work station, responds to an authorized order to return to duty to perform emergency or non-scheduled services, the employee shall be compensated by the payment of two (2) hours of base rate pay at the straight time rate for the call out and pay at the rate of time-and-one-half of base rate for the time actually worked during the call out. Call out pay can also be compensated by time off with pay at the rate stated immediately above.
2. The Chief of Police or proper designee shall not cancel a safety employee's shift and place the employee on CTO leave without a minimum of twenty-four (24) hours notice prior to said shift. A safety employee who requests compensating time off (CTO) shall make the request not less than twenty-four (24) hours prior

to the requested time off. The above conditions may be waived by mutual consent of both parties.

3. Where a safety employee's normal work shift has been changed by the City more than two (2) hours, with less than eight (8) hours notice, said employee shall be eligible for call out pay for said shift. In the event that the work shift change reduces the employee's two-week work period to less than eighty-four (84) hours, call out pay will not apply. This does not pertain to officers assigned to floating relief schedules.
4. The City agrees with the Association to provide seven (7) days notice prior to changing an employee's days off pursuant to Section A.7., with the condition that departmental, emergency operational needs may preempt such advance notice.
5. Call out pay does not apply to sign-up overtime for outside assignments those for which another entity actually reimburses the City for the overtime.
6. When an employee is given an option to work or not, call out pay does not apply; however, the person giving the option must make it clear that if the employee accepts the work assignment, there will be no call out pay.

SECTION 5.0

SALARY ADMINISTRATION

A. SALARIES/SPECIAL SALARY ADJUSTMENTS

1. Effective July 1, 2013 the City agrees to increase employees' base pay, exclusive of any longevity or other special pays, by an amount equal to four percent (4%). The parties agree that the July 1, 2013 implementation of this salary increase shall be subject to Section 5.0 (B), Financial Ability to meet any salary increase.
2. Effective July 1, 2013 or upon the effective date of section 8 (K)(3), whichever is later, the City shall increase base pay, exclusive of any longevity or other special pays, by an additional 3.16%. The parties agree that the implementation of this salary increase shall not be subject to Section 5.0 (B), Financial Ability to meet any salary increase.
3. Effective the first pay period following ratification and approval of this MOU, the City shall grant a one-time non-pensionable distribution payment equal to 4% of base pay in effect on July 1, 2012, exclusive of longevity or any special pays.

4. Police Officer Service Retention Credit

- a. Employees' who complete one (1) year of City service shall receive one percent (1%) of salary beginning with the first pay period of their second year.
- b. Employees' who complete two (2) years of City service shall receive two percent (2%) of salary beginning with the first pay period of their third year.
- c. Employees' who complete three (3) years of City service shall receive three percent (3%) of salary beginning with the first pay period of their fourth year.
- d. Employees', who complete four (4) years of City service, shall receive four percent (4%) of salary beginning with the first pay period of their fifth year.
- e. The Service Retention Benefit shall be effective July 1, 2005

B. FINANCIAL ABILITY TO MEET ANY SALARY INCREASE

It is mutually agreed that the City of Auburn may have limited financial ability to pay the salary increase provided in section 5.0 of this MOU to be effective July 1, 2013 ("the Salary Increase"), and such ability is entirely dependent upon the economic conditions that prevail in the community, and legislative actions of the State of California. The City Manager and representatives of the APOA will meet each year, after the adoption of the state budget, to review the status of revenue forecasts associated with property tax estimates developed by the Placer County Auditor-Controller, sales tax forecast information generated by the State Board of Equalization.

Any legislative change in the allocation formulas used for distributing property taxes or sales taxes to the City, that decreases the amount of such revenues received by the City, shall result in the suspension of the Salary Increase. Further, in the event sales tax receipts received are less than the amount set forth in the adopted budget, such event shall also result in the suspension of the Salary Increase. The City will meet with APOA as soon as practical thereafter to begin impact negotiations on the resulting suspension of the Salary Increase. If the Salary Increase is suspended due to the above, the City agrees that if the City receives such monies within one (1) year from the date the State Budget is passed for fiscal year 2013–2014, then any scheduled salary increases will be retroactive to July 1, 2013. If monies are not received one (1) year from the date the State budget is passed for fiscal year 2013–2014, there will be no retroactivity.

C. STATUS CHANGES

1. Salary At Time of Employment

This plan may provide a flat salary rate or a salary range for each classification with a minimum, maximum and one or more intermediate steps. The beginning or normal hiring rate shall usually be at the first step of the range. Every new employee shall be paid the first step on employment, except that the City Manager or other appointing authority may authorize employment at a higher step if the labor supply is restricted or the person to be hired is unusually qualified. Such offer must be in writing and supported by documentation.

2. Change In Pay Upon Promotion

When an employee is promoted, he/she shall normally receive the first step in the salary range for the new position. However, if such step is equal to or less than his/her present salary, or he/she would be eligible for step advancement within sixty (60) days in his/her previous position, he/she shall receive the next step in the salary range of the new position which is immediately above his/her present salary.

3. Change In Pay Upon Demotion

When an employee is demoted, he/she shall be placed in a salary step in his/her new class, which is the same as or above the step held prior to demotion, providing said demotion is not the result of disciplinary action.

4. Change In Pay Upon Reclassification

When a position is reallocated to a classification with a higher pay range and the incumbent employee retains the position, he/she shall normally be placed at the first step in the new range. If no increase in pay results, advancement may be made to the new step immediately above the present salary. When a position is reallocated to a classification for non-disciplinary reasons with a lower salary range, the incumbent employee shall not be reduced in pay while he/she continues to occupy the position. If his/her current rate exceeds the maximum step of the new range, his/her salary shall be frozen ("blue penciled") at its current level. When the incumbent leaves the position, his/her replacement shall normally be hired at the beginning rate.

5. Canine Services

- a. The City hereby agrees to pay a flat, fixed monthly sum of One Hundred Dollars (\$100.00) for all aspects of care and training for canines that work one hundred twenty (120) hours per month. Such compensation will be taxable unless the officer submits documentation of an evidentiary nature

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showing expenses incurred on behalf of the care for the canine. Sick and vacation time shall not count against the one hundred twenty (120) hour minimum limit of workable time by the canine.

- b. This monthly sum does not cover the cost of a catastrophic event such as the death or serious injury of the canine while working. Given such an event, the City will consider additional, full or partial reimbursement to the appropriate police officer based upon the circumstances of the causable event.
- c. The current "Agreement for Canine Services" between the City of Auburn and Stan Hamelin shall become an Addendum to this MOU. Any new agreement with an officer for Canine Services is to be discussed with the APOA prior to execution. In lieu of an "Agreement for Canine Services," Items 5 a. and b. above shall be in effect until a new agreement is executed.)

D. ANNIVERSARY DATES

- 1. The City agrees to modify its anniversary date rules to require that any and all merit step increases or other anniversary date references will be applied in the pay period in which the anniversary date falls.
- 2. Eligibility For Advancement In Pay

	<u>Time-In-Step</u>
A	6 months
B	6 months
C	1 year
D	1 year
E	-----

If warranted for the good of the service or when any employee demonstrates outstanding capacity in performing his/her duties, he/she may be advanced prior to completion of the above time-in-step requirement. When a pay range consists of less than five (5) steps, the range shall be established at the higher steps within the above time schedule. In determining time-in-step, it shall begin on the first day of the payroll period if employment occurs during the first ten (10) days of the period, otherwise time shall begin on the first day of the next payroll period. If an employee is on leave without pay for more than one (1) month, the period shall be deducted from his/her accumulated time-in-step.

E. MERIT STEP INCREASES

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1. Employees may be advanced to higher steps as merited by progressive improvement in job skills and work performance, as affirmed by periodic performance appraisal documents. The following time-in-step requirements shall apply before an employee gains eligibility for an advancement in pay.
2. The City Manager shall have the authority to withhold step advancements only for reasonable cause, and the department head has the authority and responsibility to recommend withholding step advancements by the City Manager if they are not merited. The department head shall keep his/her employees informed about their job performance, giving good work its proper recognition and any deficient work all possible guidance and assistance toward improvement. The department head shall notify the employee as to the reasons for withholding step advancements. Such matters may be subject to the grievance procedure and limited to whether the City was arbitrary, capricious or discriminatory.
3. For Police Department sworn personnel there shall be a one (1) year probationary period.

F. PAY FOR EMPLOYEES IN AN "ACTING" CAPACITY

Any employee in the unit who is assigned to and performs the duties of a higher level position on an "acting" basis for a full shift or more, for any reason, shall be compensated at a rate of pay five percent (5%) greater than the salary authorized before the "acting" duty assignment is made.

G. SPECIAL ASSIGNMENT POSITIONS

1. Special assignment positions within a classification may be established where duties and responsibilities are of a specialized nature by comparison to other positions in the class. Said positions may be established by the City Council following a report and recommendation thereon by the City Manager. Special assignment positions so established will be reviewed annually by the City Council. Selection of employees to said position and removal there from shall be made by the City Manager upon recommendation of the department head. An employee so assigned shall receive a salary increase of not less than five percent (5%) of his/her present salary.
2. Officers expressly assigned to provide field training shall be granted an assignment increment of five percent (5%) over base salary for all hours actually worked.
3. Officers assigned to detective duty will receive special pay in accordance with the salary resolution in force as of June 1, 1994. Designated officers are to be reviewed annually.

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4. Officers temporarily assigned expressly by the Operations Commander or designee to provide duties as Officer in Charge, shall be granted an assignment increment of five percent (5%) over base salary for all hours actually worked.
5. Officers assigned to Motorcycle and/or Bicycle Patrol shall have the option of requesting to perform their shift by using a patrol car when the outside temperatures are unsafe and/or unhealthy. General guidelines for outside temperatures would be above 95 degrees and/or below 40 degrees.

H. DEFERRED COMPENSATION

Employees in the unit shall be allowed to voluntarily participate in the City-sponsored deferred compensation plan.

I. LONGEVITY

1. Longevity increments shall be administered for all unit members at the start of seven (7), eleven (11), fifteen (15) and the completion of twenty (20) years of satisfactory active service. Longevity increment shall be five percent (5%) over the employee's base salary and shall be administered based upon the employee's regular employment date.
2. Employee must have a performance evaluation of "meets expectations" or better in the twenty-four (24) month period preceding the applicable longevity step in order to be eligible for the five percent (5%) increase.

J. CLASSIFICATION ADVANCEMENT

Provided that the position is budgeted, employees of the unit hired in the entry level of the class series shall be promoted to the journey level of the class series upon completion of one (1) year of service, provided that the performance rating of the employee is at an overall "satisfactory" or higher rating. An employee with less than a satisfactory overall rating at the lower level shall be reevaluated no later than three (3) months after the original denial of their promotion so that he/she may be promoted to the next higher level of the class series. Denial of a promotion to the next higher level after the second review may only be for reasonable cause.

K. NIGHT SHIFT DIFFERENTIAL

Effective the first full pay period following ratification and approval of this MOU, employees shall receive five percent (5%) above their base pay when they are assigned to the night shift.

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To qualify for shift differential, an employee must have a regularly assigned daily work schedule that requires the majority of actual working time (more than half the number of hours in the workday) 7:00 p.m. through 7:00 am hours inclusive.

L. SHIFT WORK SCHEDULE SELECTION

The Police Department shall post the work shift schedule for police officers twice a year. Within the four patrol shifts, there will be one position per shift that will be filled by seniority (See Illustration below). Employees with the most seniority shall be permitted to select one of the positions for the shift they wish to work. The remaining positions within the shifts will be filled taking bids into consideration; however, seniority shall not take precedent. These positions will be filled based on needs of the department and the Police Chief shall retain the sole authority to make a final decision on shift selection for all employees that do not fall within the four positions covered by seniority.

If one of the seniority positions is not filled, that position will then be filled taking bids into consideration, but the position will be filled based on needs of the department and the Police Chief shall retain the sole authority to make a final decision.

The Chief of Police will also have the ability to deny a position based on seniority if that person requires retraining or monitoring for a job performance that is substandard or unsatisfactory based on their current yearly evaluation.

Team A Position 1-Filled By Seniority Position 2-Filled By Needs of Department Position 3-Filled By Needs of Department	Team B Position 1-Filled By Seniority Position 2-Filled By Needs of Department Position 3-Filled By Needs of Department
Cover Shift Position 1-Filled By Needs of Department	Cover Shift Position 1-Filled By Needs of Department
Team C Position 1-Filled By Seniority Position 2-Filled By Needs of Department Position 3-Filled By Needs of Department	Team D Position 1-Filled By Seniority Position 2-Filled By Needs of Department Position 3-Filled By Needs of Department

SECTION 6.0
SPECIAL ALLOWANCES

A. UNIFORM ALLOWANCE

Effective July 1, 2000, the City shall on a quarterly basis provide each sworn officer the amount of Two Hundred Dollars (\$200.00) for clothing allowance. Clothing so purchased will meet the official standards of the department. The first uniform shall be purchased by the City in order to lessen the fiscal impact on new hires who would otherwise have to wait for a quarterly payment of a uniform allowance.

B. MEAL ALLOWANCE

In the event that an employee is required to work a minimum of two (2) hours beyond his/her regular shift, including emergency call out, he/she shall be paid a meal expense of Eleven Dollars (\$11.00).

C. MILEAGE ALLOWANCE

1. The City hereby agrees with the Association to compensate the driver of a vehicle for travel time to and from a training location at appropriate FLSA rates. Mileage reimbursements will be at applicable POST rates for POST-related training. Other training will be reimbursed at applicable IRS rates for miles driven.
2. When the City requires a Police Department employee to attend a training session outside of the City, it shall be the employee's option to use either a City-owned vehicle or his/her own vehicle for transportation. Any vehicle mileage reimbursement will be paid at the POST rate or applicable IRS rate. Employees authorized to use a privately-owned vehicle shall be required to maintain Public Liability and Property Damage (PL & PD) insurance coverage on their vehicle and to maintain their operator's license in good standing.

SECTION 7.0
LEAVES OF ABSENCE

A. VACATION

1. Where employees are assigned twelve (12) hour duty shifts, the calculation of earned vacation credits shall be increased by five percent (5%) over the annual accrual rate.
2. Employees in "shift assignments" shall earn vacation credits at the rate of:
 - a. From one (1) to two (2) years of service, all eligible employees shall earn vacation at the rate of twenty-five and one-half (25.5) working days (204 hours) vacation per year.
 - b. From three (3) to five (5) years of service, all eligible employees shall earn vacation at the rate of twenty-eight and one-half (28.5) working days (228 hours) vacation per year.

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- c. After five (5) years of full service, all eligible employees shall earn vacation credits at the rate of thirty and one-half (30.5) working days (244 hours) vacation per year.
 - d. After ten (10) years of service, all eligible employees shall earn vacation credits at the rate of thirty-four and one-half (34.5) working days (276) vacation per year.
 - e. After fifteen (15) years of full service all eligible employees shall earn vacation credits at the rate of thirty-six and one-half (36.5) working days (292 hours) vacation per year.
- 3. Employees not assigned to "shifts" shall be entitled to holiday pay and shall earn vacation credits at the rate of:
 - a. From one (1) to two (2) years of service, all eligible employees shall earn vacation at the rate of twelve (12) working days (96 hours) vacation per year.
 - b. From three (3) to five (5) years of service, all eligible employees shall earn vacation at the rate of fifteen (15) working days (120 hours) vacation per year.
 - c. After five (5) years of full service, all eligible employees shall earn vacation credits at the rate of seventeen (17) working days (136 hours) vacation per year.
 - d. After ten (10) years of service, all eligible employees shall earn vacation credits at the rate of twenty-one (21) working days (168) vacation per year.
 - e. After fifteen (15) years of full service all eligible employees shall earn vacation credits at the rate of twenty-three (23) working days (184 hours) vacation per year.
- 4. Vacation leave is a right of the employee; however, the use of same shall be approved by the department head or his/her designee, taking into account the desires and seniority of employees and, more particularly, the workload requirements of the department.
- 5. Probationary employees, while serving their first six (6) months in the service of the City, shall not be allowed to use their accrued vacation time. However, vacation credits shall accrue to such probationary employee.

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6. As of his/her anniversary date each year, no employee shall be allowed to maintain balance of unused vacation leave earned in excess of twice his/her yearly allowance for the forthcoming year. Any employee with accrued vacation credits in excess of this rule after November 1, 2007 shall retain those excess credits until used or paid.

The City shall have the sole discretion to pay any portion of such vacation balance for any employee with more than twice his/her yearly vacation allowance during any fiscal year.

7. Upon termination, all accumulated vacation will be added to the final pay and/or toward early retirement, at the employee's option.
8. The City shall pay to the estate of an employee who dies prior to discharge for cause, retirement or layoff, any accrued accumulated vacation. Payoff shall be based upon the hourly pay rate of such employee at the time of death.
9. Part-time employees who work twenty (20) hours a week on a regular basis shall be eligible to accrue and use vacation leave according to the same rules that apply to all full-time employees; however, the accrual rate of a part-time employee shall be prorated based upon the number of hours employed, i.e., half-time, sixty percent (60%) time, etc. Part-time employees subsequently hired as permanent full-time employees shall receive prorated credit for part-time service toward vacation accrual as a full-time employee.
10. The City agrees with the Association on a vacation sign-up system, which permits the scheduling of vacation in a given calendar quarter to be taken no sooner than two (2) calendar quarters later. City policy encourages employees to use vacation time. In considering approval for vacation requests, first priority will be to employees with the most seniority. In the event a junior employee's vacation request conflicts with a senior employee's vacation request and the junior employee is approaching the two (2) year limit on vacation accruals, the City Manager may approve an extension, however, such extension is not to exceed a period of six (6) months.

B. SICK LEAVE

1. Sick leave shall be allowed in case of actual sickness of the employee. Employees may use up to five (5) days sick leave per calendar year in the event of illness on the part of a family member that requires their assistance. Such leave shall not be charged against regular sick leave accrual. This section would apply to the following family members: mother, father, sister, brother, spouse, child,

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grandparent, grandchild, mother-in-law, and father-in-law of the employee or family member domiciled with the employee.

2. Sick leave shall be earned at the rate of twelve (12 x 8 hour) workdays per year. Sick leave shall be taken in periods of no less than one (1) hour. No sick leave shall be earned during leaves of absence without pay.
3. Upon separation, an employee will receive cash compensation for accumulated sick leave in excess of forty (40 x 8 hours) work days. Compensation for such sick leave shall be based upon the hourly pay-rate of such employee at the time of separation. Upon retirement, in lieu of cash payoff and at the option of the employee, accumulated sick leave may be applied toward early retirement on a day-for-day basis. However, any employee who retires after July 1, 1989, shall not accrue "new" time or be eligible for "new" pay increases granted after his/her retirement date so long as they are using previously accrued sick leave for early retirement purposes.
4. Employees shall have the option to sell back to the City up to nine (9) days annually of accumulated sick leave, provided that the employee has an accumulated balance of not less than seventy (70) days.
5. Part-time employees who work twenty (20) hours a week on a regular basis shall be eligible to accrue and use sick leave according to the same rules that apply to all full-time employees; however, the accrual rate of a part-time employee shall be prorated based upon the number of hours employed, i.e., half-time, sixty percent (60%) time, etc. Part-time employees subsequently hired as permanent full-time employees shall receive prorated credit for part-time service toward sick leave accrual as a full-time employee.
6. Probationary employees, while serving their first three (3) months in the service of the City, shall not be allowed to use their accrued sick leave. However, they shall continue to accrue sick leave credits at the regular rate for entitlement thereafter.
7. When absence is for more than one (1) workday, the employee may be required to file a physician's certificate or a personal affidavit with the Personnel Officer stating the cause of the absence before sick leave with pay will be granted. If an employee becomes ill while on vacation, his/her period of illness may be charged to sick leave upon presentation of a doctor's certificate stating the nature and extent of the illness. In any case, an employee may be required to file a physician's statement for each illness regardless of duration. An employee may also be required to take an examination by a physician designated by the City and to authorize consultation with his/her own physician concerning his/her illness.

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8. Employees shall, whenever possible, make appointments for medical, dental and similar purposes on Saturday or other non-workdays. If this is not possible, sick leave may be used for these purposes in accordance with the rules stated above.
9. The City will establish a maximum cap of seventy-five (75) days of accumulated sick leave that may be used for early retirement when the purchase of the PERS sick leave/service credit benefit occurs. Upon the City purchase of the PERS sick leave/service credit benefit plan, the City "sick leave sell-back" plan (contained in paragraph 3 of the sick leave provisions of the current MOU) shall expire, and sick days accrued beyond the seventy-five (75) day cap will not be paid for by the City.

C. TIER II SICK LEAVE

A two-tiered benefit program, which was adopted April 24, 1995, (City Council Resolution No. 95-46), will remain in effect. This program provides that members on April 24, 1995, will continue to receive those benefits set forth in prior Memoranda of Understanding. Members hired after April 24, 1995, shall receive a second tier of benefits as follows:

1. Sick leave balances in excess of seventy (70) days may not be surrendered to the City for cash value.
2. Family leave time and funeral leave time is designated as sick leave and will be deducted from sick leave balances.
3. Upon retirement, such unused sick leave balances remaining may be applied as service credit, but cannot be cashed.

D. FUNERAL LEAVE

Employees in the unit shall be granted funeral leave with pay as necessary, but not to exceed five (5) workdays, upon the occasion of the death of a close relative. Additional funeral leave for travel purposes, not to exceed three (3) calendar days, may be granted by the City Manager when circumstances warrant the same. This section would apply to the following family members: mother, father, sister, brother, spouse, child, grandparent, grandchild, mother-in-law or father-in-law of the employee.

E. JURY LEAVE

An employee summoned to jury duty shall inform his/her supervisor and, if required to serve, may be absent from duty with full pay while actively rendering such service. Any jury fees received by an employee shall be remitted to the City, exclusive of any meal and/or travel reimbursements rendered by the courts.

F. HOLIDAYS

1. Shift employees shall not be eligible for holiday credits as they receive added vacation credits in lieu of holidays.
2. The following days shall be holidays for employees in the unit not working "shift" assignments.
 - a. New Year's Day
 - b. Martin Luther King, Jr., Day
 - c. Lincoln's Birthday
 - d. Washington's Birthday
 - e. Memorial Day
 - f. Independence Day
 - g. Labor Day
 - h. Admission Day
 - i. Veteran's Day
 - j. Thanksgiving Day
 - k. Friday immediately following Thanksgiving Day
 - l. Christmas Day
 - m. One-half day on Good Friday
 - n. One-half day the last working day before Christmas Day and New Year's Day
3. If a holiday falls on Saturday, then the previous Friday is to be taken. If a holiday falls on Sunday, then the following Monday is to be taken.
4. Non-shift employees assigned to work on a holiday shall be paid at a rate of two and one-half (2-1/2) times for hours worked. Such compensation is limited only to employees actually working a holiday shift. If a holiday falls on an employee's regular day off, he/she shall be entitled to equivalent time off at a later date.

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5. The City and the Association have agreed that "non-shift" personnel may work their holidays with prior City approval and receive appropriate pay or time off at a later date in the same manner as shift personnel would if the workload dictates that this occur.
6. Shift personnel working either Thanksgiving or Christmas shall be paid at a rate of two and one-half (2-1/2) times for hours worked.
7. All employees of the Police Department who are not eligible for time off on holidays shall earn an additional vacation credit of one (1) workday per month. Each eligible employee shall be required to have served the equivalent of one (1) year of continuous service to the City in order to be eligible for a full annual vacation leave. However, an eligible employee may take his/her earned vacation after the completion of the first six (6) months of service.

G. MILITARY LEAVE

1. Military leave shall be granted in accordance with the provisions of state law (Military and Veterans Code). All employees entitled to military leave shall give their department head and the City Manager a notice and opportunity, within the limits of military requirements, to determine when such leave shall be taken. If available, a copy of military orders received shall be delivered to the City prior to the taking of such leave. If not available, then upon return from military duty, a copy of military release shall be given to the City.
2. Full pay shall continue while the employee is on military duty; however, upon return to employment in the City, any military pay received for such duty in excess of thirty (30) days service is to be reimbursed to the City.
3. Any employee engaged in monthly training for military reserve duty shall not suffer any loss of compensation or benefits for weekend training. Neither shall there be any loss of compensation or benefits for the annual thirty (30) day training, provided, however, that upon conclusion of the thirty (30) day annual training, the employee reimburses the City for the amount of salary paid by the military for the same period.

H. LEAVE OF ABSENCE

The City Manager, upon written request of an employee, may grant a leave of absence without pay for an initial period up to ninety (90) days. Additional leave, not to exceed one (1) year maximum, may subsequently be granted for good and sufficient reason. Leaves hereby authorized shall include educational leaves, maternity leaves, employee illness and injury and leave for any other purpose promoting the good of the service. Whenever granted, such leaves shall be in writing and signed by the City Manager. Upon

expiration of such a leave, the employee shall be reinstated to the position held at the time leave was granted. Failure of the employee to report promptly at its expiration or within a reasonable time after notice to return to duty shall terminate his/her right to be reinstated. Any leave without notice or without authorization shall be absence without leave and shall be the basis for summary dismissal.

SECTION 8.0
HEALTH AND WELFARE

HEALTH, DENTAL, VISION & LIFE INSURANCE COVERAGE

A. CalPERS PEMHCA

1. The City shall make all contributions legally mandated under PEMHCA.
2. The City shall establish a Cafeteria Plan ("Plan") for health premiums and other optional benefit contributions.

B. City Contributions to the Plan

1. Beginning July 1, 2013, the City agrees to pay into the plan a dollar amount equal to 70% of the average total cost for premiums occurring in CalPERS plans offered to City employees in the 95603 Zip Code area (excluding the highest and lowest cost plans) for represented employees and their enrolled dependents.

Subscriber Only –	70% of the premium
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Subscriber Plus One -	70% of the premium
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Subscriber plus Two or more -	70% of the premium
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2. Employee Contributions to the Plan –

- The employee shall pay the difference, between the employer contribution amount and the actual premium of the health plan selected by the employee.
- All employee contributions to the Plan shall be made by payroll deduction.

3. In Lieu Payment. Employees electing not to receive City health coverage, but who elect coverage provided by an employee's spouse or significant other, shall be paid the amount as set forth in the "Single employee coverage" as an "in lieu" payment.

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4. PEMHCA Compliance For employees enrolled in a CalPERS PEMHCA health plan, the City's contribution to the plan described above includes the minimum employer contribution amounts mandated under PEMHCA.

5. The City may explore alternative sources for Health Insurance during the term of this MOU and make changes to that source after meeting and with conferring with the Union.

E. Dental and Vision

City self-insured Dental and Vision benefits shall remain unchanged for the term of this MOU.

F. Optional Insurance Plan(s)

The City shall offer at least two (2) optional insurance plans for employee participation. Optional insurance may include life, disability or other specialized insurance products. These optional elements shall be offered to employees within the cafeteria plan on a pre-tax basis.

G. LIFE INSURANCE

The City shall provide life insurance for all employees in the unit in the amount of \$50,000 for each employee. Each employee shall be allowed to purchase additional amounts of life insurance above the \$50,000 provided by the City. These additional amounts will be paid for by the employee and may be paid for through payroll deductions.

H. EMPLOYEE HEALTH INSURANCE COVERAGE AFTER RETIREMENT

An employee who retires from City service may continue, at their option, to participate in the City-sponsored CalPERS health insurance program, pursuant to the Public Employees Medical and Health Care Act (PEMHCA). The City's contribution shall be limited to the Minimum Employer Contribution pursuant to PEMHCA. The retiree shall be responsible for the balance of the premium amount for himself/herself and all eligible enrolled dependents. An eligible employee may use funds from the Medical Savings Program outlined below provided the employee meets the conditions associated with such plan. This entitlement shall cease when the employee reaches age 65 and becomes eligible for Medicare.

J. LONG TERM DISABILITY INSURANCE

1. Effective the first full pay period following final approval and execution of this memorandum of understanding the City shall pay 100% of Long Term Disability Insurance premium.

K. RETIREMENT

1. Employees hired prior to July 1, 2010:
Employees hired prior to July 1, 2010 shall be members of the Public Employees Retirement System (PERS), and shall have the PERS 3% @ 50 formula as provided by the terms of the contract in effect between the City and PERS.
2. Employees hired between July 1, 2010 and January 1, 2013:
Employees hired between July 1, 2010 and January 1, 2013 shall be members of the PERS Two-Percent (2%) @ 50 formula, as provided by the terms of the contract in effect between the City and PERS.
3. All employees hired prior to January 1, 2013:
Effective July 1, 2013, or as soon as administratively feasible, all employees hired prior to January 1, 2013 shall pay the full nine percent (9%) of the employee share of PERS. All such payments by the employee shall be done in accordance with IRS code 414 (h)(2) and shall be paid on a pre-tax basis. Additionally, any payments made by the employee shall be credited to the employee's PERS account in accordance with PERS rules.
4. New employees hired on or after January 1, 2013:
New employees hired on or after January 1, 2013 shall have the PERS 2.7 @ 57 formula, as provided by the terms of the contract in effect between the City and PERS. The employee contribution rate shall be 50 percent of the "normal cost" (as defined by Government Code Section 7522.04(g)), for the 2.7 @ 57 plan, rounded to the nearest quarter of 1 percent
5. CalPERS Section 21574 – Fourth Level of Survivor Death Benefit:
The City shall amend the CalPers agreement with the City to provide the CalPERS Section 21574 – Fourth Level of Survivor Death Benefit as soon as practical. Employees shall be responsible for any employee-borne costs for the benefit, and City shall pay employer share for benefit.
6. Medical Savings Plan
 - a. The City shall establish as soon as practical a Medical Savings Plan for each employee to be used for payment of medical premiums upon retirement as outlined below.
 - b. The City shall contribute One Hundred Dollars (\$100.00) per month effective July 1, 2003 towards an employee's Medical Savings Plan

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provided the employee has ten (10) years City service with the City of Auburn, and the City shall contribute Fifty Dollars (\$50.00) per month effective July 1, 2003 towards an employee's Medical Savings Plan provided the employee has less than ten (10) years City service with the City of Auburn. Such employees' shall be subject to the following conditions:

Effective July 1, 2007, the City shall contribute a total of One-Hundred and seventy Dollars (\$170.00) per month towards an employee's Medical Savings Plan provided the employee has ten (10) years City service with the City of Auburn. The City shall contribute a total of One-Hundred and twenty-dollars (\$120.00) per month effective July 1, 2007 towards an employee's Medical Savings Plan provided the employee has less than ten (10) years City service with the City of Auburn. Such employees' shall be subject to the following conditions:

Effective July 1, 2009, the City shall contribute a total of two-Hundred and forty Dollars (\$240.00) per month towards an employee's Medical Savings Plan provided the employee has ten (10) years City service with the City of Auburn. The City shall contribute a total of One-Hundred and ninety-dollars (\$190.00) per month effective July 1, 2009 towards an employee's Medical Savings Plan provided the employee has less than ten (10) years City service with the City of Auburn. Such employees' shall be subject to the following conditions:

- 1) The City's contribution to such accounts shall be invested with the City Investment Pool in accordance with State regulations governing such investments. Beginning November 1, 2007, City and Association agree to transfer such Medical Savings Plan to a "Tax Exempt," Retiree Health Savings Plan agreeable to the City and Association as soon as practicable. The investment options to be utilized for such trust account shall be determined by City and Association.
- 2) Such funds shall become available only to an employee who has accumulated such funds while employed as a Police Officer with the City of Auburn, and retires from the City of Auburn.
- 3) In the event such employee separates from the City of Auburn for any reason other than retirement (including medical retirement), such funds shall be totaled and redistributed to the remaining employee accounts pursuant to the following formula:

Total years of service with the City of Auburn as of January 1,
divided by the total years of service of all officers in the Auburn

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Police Officers Association = ____ % to be multiplied by the sum of the available funds.

- 4) Such funds shall only be used to pay for employees' health insurance premium for employee and one (1) dependent.
- 5) This plan is in an effort to explore alternatives to the high cost of health insurance for retirees, and as an incentive to retain experienced Police Officers. All money contributions and interest shall vest with those employees with a medical savings account, and be subject to the conditions outlined above.
- 6) The City shall provide each employee with an annual report of the total dollars paid for the employee and credited to the employee's individual account for the Medical Savings Plan.

L. DRUG, ALCOHOL AND SUBSTANCE ABUSE POLICY

1. The City reserves the right, for reasonable suspicion, to require an employee to submit to drug, alcohol or substance abuse testing.
2. "Reasonable suspicion" for purposes of this Article includes, but is not limited to, the following:
 - a. A critical incident has occurred while on duty for the City or at the employee's work location.
 - 1) An accident involving a City vehicle or equipment causing damage to property or persons, in combination with any factors in paragraph "b" below.
 - 2) Employee manifests mental or physical impairment sufficient to raise doubt that normal tasks can be safely or effectively performed.
 - 3) Employee is observed with illegal drug or drug paraphernalia in possession for possible sale or use; employee is observed with open container of alcohol in work area or vehicle.
 - b. Documented objective facts and a reasonable inference drawn from those facts that an employee is under the influence of drugs, alcohol or substance. Such objective facts may include characteristics of the employee's appearance, behavior, mannerisms, speech or body odors. Components of such documentation should include (a) equilibrium, (b) manner of speech, (c) mental reactions, (d) odor of intoxicants on breath

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or clothing, (e) eyes, (f) general appearance, (g) physical actions and (h) work behaviors.

M. EMPLOYEE ASSISTANCE PROGRAM

Effective as soon as possible, the City shall select and establish an Employee Assistance Program (EAP) and contribute approximately Five Dollars and Seventy-Five Cents (\$5.75) per month per employee toward the cost for such City-determined program. Such program shall endeavor to provide counseling services for personal and family member problems related to marital/family relationship problems, alcohol or drug abuse, stress-related problems, depression and other types of psychological problems for employees of such referral and intervention.

N. CHIROPRACTIC SELF FUNDED PROGRAM

The City agrees to establish a self-funded Chiropractic Program as soon as practical with the following benefits and premiums: twenty (20) visits annually per employee and each employee's dependents; Plan to pay Ten Dollars (\$10.00) per visit; seventy-five percent (75%) of premium to be paid by City; twenty-five percent (25%) of premium to be paid by employee. The specific monthly premium for employee and City shall be:

	<u>Employee</u>	<u>City</u>
Employee only coverage:	\$2.08/payperiod	\$6.24/payperiod
Employee plus one:	\$4.16/payperiod	\$12.48/payperiod
Employee plus two or more:	\$5.82/payperiod	\$17.46/payperiod

SECTION 9.0
REDUCTION IN FORCE

A. LAYOFF AUTHORITY

1. The City Manager may lay off employees pursuant to the following procedures. The City shall give the Association notice prior to implementation of any proposed layoff and shall provide the Association with the opportunity to meet and confer regarding alternatives to the layoff. This constitutes the full agreement concerning layoffs between the parties.
2. The appointing authority may layoff or reduce an employee when necessary:
 - a. For reasons of economy, lack of work or funds;
 - b. For a change in organization where there are more employees than positions in any class within the City.

B. EMPLOYMENT STATUS AND LAYOFF

Layoffs and reductions shall be made by class of position. In each class of position in which there is to be a layoff or reduction, employees shall be laid-off according to employment status in the following order:

First:	Temporary
Second	Probationary
Third:	Permanent

Temporary employees shall be laid-off according to the needs of the service as determined by the appointing authority. Probationary employees in the class shall be laid-off or reduced according to seniority in service.

C. ORDER OF LAYOFF

In case there are two (2) or more regular employees in the class from which layoff or reduction is to be made, such employees shall be laid-off or reduced on the basis of the last rating in the class as follows:

1. Employees within each category shall be laid-off in inverse order of seniority in City service, except where it can be established that an employee possesses special skills essential to the City.
2. An employee whose position must be eliminated or vacated for the reasons cited in this Section and who requests a voluntary reduction rather than cause some less senior employee to be laid-off or reduced, is entitled to have his/her name placed on a re-employment list.
3. In the event of a tie in seniority, the following regular performance ratings on file will determine the order:

First:	All employees having ratings of "Unsatisfactory"
Second:	All employees having ratings of "Improvement Needed"
Third:	All employees having ratings of "Satisfactory"
Fourth:	All employees having ratings of "Outstanding"

D. RE-EMPLOYMENT LIST

1. The names of person's laid-off or reduced in accordance with these rules shall be entered upon a re-employment list in the inverse of order specified for layoff. Such list shall be used by the appointing authority when a vacancy arises in the same or lower class of position before certification is made from an eligible list. When a vacancy occurs, the appointing authority shall appoint the person highest

on the re-employment list who is available. Two (2) refusals shall cause the incumbent's name to be stricken from the list.

2. Names of person's laid-off or reduced in lieu of layoff shall be carried on a re-employment list for a one (1) year period, except that the names of persons appointed to regular positions of the same level as that from which laid-off shall, upon such appointment, be dropped from the list. Persons reduced or re-employed in a lower class or re-employed on a temporary basis shall be continued on the list for the higher position for an additional one (1) year period. A person appointed from a layoff list shall continue to have the same anniversary date he/she had prior to termination, but shall have no seniority accrued except for active service.

E. EXCEPTION TO ORDER OF LAYOFF

Where the appointing authority deems it to be for the best interest of the service, he/she may retain an employee who has specific qualifications, despite the order of the layoff provided above if the appointing authority determines:

1. Such action is for the best interest of the service.
2. The employee retained has such special qualifications.
3. The employee laid-off does not have such special qualifications.
4. Such special qualifications are important in the performance of the work of the City.

F. REDUCTION

The appointing authority may, at his/her discretion, if he/she deems it for the best interest of the service, make reductions in lieu of layoff to positions at lower levels in the same or related series or positions in other series for which the employee to be reduced has demonstrated that he/she possesses the skills and aptitudes required in the position to which he/she is to be reduced, thereby causing layoffs only in the lower ranks. An employee reduced pursuant to this Section shall not be subject to further reduction from the class until all employees in that class, who have not been subject to reduction, have vacated that class.

SECTION 10.0
DISCIPLINARY GRIEVANCES

A. CATEGORIES OF DISCIPLINE

There will be two (2) categories of discipline: fiscal impacts and non-fiscal impacts. Where disciplinary action is taken that has no fiscal impact, the action taken is not subject to arbitration. Records of such non-fiscal discipline shall be purged from the personnel file after a period of sixty (60) months from the date of issuance.

B. DISCIPLINARY APPEALS PROCEDURE

The parties agree to amend the existing disciplinary appeals procedure, vacating and abolishing the Personnel Board (Section 4.00 and 4.05) and replacing Section 13.09 of the City's Personnel Rules and Regulations in its entirety as follows:

1. The grievant and the Association may request the City Manager, or his/her duly authorized representative, to appoint a Hearing Officer to hear evidence and make recommendations to the governing body of the City regarding the resolution of such grievances. The grievant and the Association must request the appointment of the Hearing Officer within ten (10) business days from the date the grievant has received the decision of the City Manager or his/her designee pursuant to the "Skelly" conference. Failure of the grievant and the Association to request the appointment of a Hearing Officer within the time limits set forth above constitutes a waiver and bars the grievance and the grievance will be considered settled on the basis of the last management response.
2. Within ten (10) business days after receipt of a request for the appointment of the Hearing Officer, the City Manager or the Director of Finance/Personnel shall attempt to reach voluntary agreement with the grievant and the Association as to the appointment of a Hearing Officer. Failing to reach voluntary agreement within ten (10) business days of receipt of the request for the appointment of a Hearing Officer, the City Manager or his/her duly authorized representative shall obtain a list from the American Arbitration Association, State Mediation Conciliation Service of five (5) persons who are qualified to serve as Hearing Officer. Upon receipt of the list, the parties shall meet to select a Hearing Officer from the list. The list of five (5) shall serve as the list of persons to be used by the City and the Association for the term of the agreement, unless otherwise agreed to by both parties.
3. The hearing shall be conducted in accordance with the Voluntary Labor Arbitration Rules of the American Arbitration Association in cases involving disciplinary action, and the Hearing Officer shall use the standard of proper cause in determining the propriety of the City's conduct. The Hearing Officer shall not hear witnesses or take evidence out of the presence of the other party except by default. The Hearing Officer shall be bound by the expressed terms and conditions of the Memorandum of Understanding, as well as the Personnel Rules and Regulations of the City, in determining the validity of the City's action and shall not have the authority to recommend any additions or subtractions from the

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Memorandum of Understanding or any provisions of the Personnel Rules and Regulations.

4. In the conduct of the hearing, the Hearing Officer, once chosen, shall hold the hearing to make findings of fact and recommendations to the parties within thirty (30) calendar days of the Hearing Officer's appointment. The Hearing Officer shall be bound to render his/her findings and recommendations within thirty (30) calendar days of the close of the hearing.
5. The Hearing Officer shall submit his/her findings and recommendations in writing to the City, the grievant and the Association. The Hearing Officer's recommendations made thereafter shall be final and binding upon the grievant, the Association and the City, if accepted by the Council. The City Council shall accept the findings and recommendations of the Hearing Officer in its entirety, unless it finds that the Hearing Officer has (a) exceeded his/her authority, (b) committed a serious procedural error, (c) made a finding or conclusion unsupported by the record. (In no case, however, shall a remedy require special legislative action.) Such action shall be taken at the next regular Council meeting, unless said meeting is set within less than seven (7) calendar days of receipt of the Hearing Officer decision.

The cost of obtaining a panel of Hearing Officers from the American Arbitration Association and all costs of the hearing, including the cost of the Hearing Officer, shall be equally borne by the City, the grieving party, and the Association. Each party shall bear the cost of its own attorney's fees.

C. APPEAL REVIEW BY THE CITY COUNCIL

Either the City Manager or the employee may request the City Council to review the Hearing Officer's decision as limited by the conditions above. Such request shall be submitted in writing to the City Clerk within ten (10) calendar days after receipt of a copy of the Hearing Officer's decision. Review by the City Council shall be made within fifteen (15) calendar days after the request for review is received. The City Council may approve, modify or reverse the decision of the Hearing Officer and its decision shall be final.

SECTION 11.0
MISCELLANEOUS

A. PERSONNEL RULES

The City will make available to its employees a reasonably current copy of the City Personnel Rules and Regulations. In the event that there is a conflict between the City's Personnel Rules and this Agreement, the terms of this Agreement shall prevail. Those

provisions of the City's Personnel Rules which directly pertain to regular unit members not specifically referred to in this Agreement are, by this reference, incorporated herein.

B. PROBATIONARY PERIODS

Subject to POST requirements, the regular probationary period of all sworn employees in the unit shall normally be no longer than twelve (12) months of continuous service for initial employment. Extension of probationary periods up to a maximum of six (6) months may be approved by the City Manager in individual cases where there is reasonable cause to do so. The normal probationary period for advancement shall be no longer than six (6) months, subject also to extension.

C. NO STRIKES, NO LOCKOUTS

It is agreed by the parties that there shall be no strikes or lockouts during the term of this Agreement. Any employee authorizing, engaging in, encouraging, sanctioning, recognizing or assisting any strike, slowdown, picketing, work stoppage or other concerted interference in violation of this Article, or refusing to perform duly assigned services in violation of this Article shall be subject to disciplinary action.

D. PRE-EXISTING BENEFITS, POLICIES, RESOLUTIONS AND OTHER POLICIES

The City shall continue to provide and comply with previously existing negotiable benefits, policies and Personnel Rules and ordinance provisions pertaining to employer-employee relations in existence on the effective date of this Agreement.

E. WAIVER CLAUSE

This Memorandum of Understanding and its attachments and referents constitute the full agreement between the parties concerning wages, hours, and conditions of employment. This Agreement may be altered, changed, added to, deleted from or modified only through mutual consent of the parties. Any additions or other changes in this Agreement shall not be effective unless reduced to writing and properly signed by both parties.

F. SEVERABILITY SAVINGS CLAUSE

1. If during the term of this Agreement, any law or any order issued by a court or other tribunal of competent jurisdiction shall render invalid or restrain compliance with or enforcement of any provision of this Agreement, such provision shall be inoperative so long as such law or order shall remain in effect, but all other provisions of this Agreement shall not be affected thereby and shall continue in full force and effect.
2. In the event of suspension or invalidation of any Article or Section of this Agreement, the parties mutually agree to meet and negotiate within ninety (90)

days after such determination for the purpose of arriving at a mutually satisfactory replacement for such Article or Section.

G. FINANCIAL SUPPORT BY CITY

Police Department employees classified as Police Officers shall be reimbursed for cost of tuition and books related to educational advancement. Course material must be approved by the Chief of Police for such reimbursements, provided further that each person eligible hereunder shall be first required to apply for other available funds in a timely manner and shall repay the City for advances made for this purpose if other funds are subsequently received.

H. CREDIT FOR TRAINING

Participation in and completion of special training courses may be considered in making salary increases and promotions. Evidence of such activity shall be filed by the employee with the Personnel Officer. Additional pay may be granted any City employee for training and certification in a training and certification program established by his/her department head and approved by the City Manager. In the Police Department, all sworn personnel shall be compensated as follows:

1. The pay for an Intermediate Certificate shall be two and one-half percent (2.5 %) of gross pay.
2. The pay for an Advanced Certificate shall be two and one-half percent (2.5 %) of gross pay.
3. Police Officer Training Incentive Program - In order to encourage police officers to proceed beyond the Intermediate Certificate provided for in Penal Code Sections 13500 and Chapter 2 of the California Administrative Code, the City shall pay an additional two and one-half percent (2.5%) of base pay for the possession of a valid "Advanced P.O.S.T. certificate beginning the first pay period in July 2008, for a total of 5% base pay.
4. Bachelor Degree Incentive Program - City shall pay an incentive of five-percent (5%) for the possession of a Bachelor's degree from a recognized college or university beginning July 1, 2009. Such degree must be in a law enforcement field, social sciences, or related field as determined by the City Manager or designee.

I. PUBLIC SECURITY EVENTS

To assure maximum safety for officers assigned to public security events, two (2) officers will be assigned to such activities where crowd control measures are required.

MEMORANDUM OF UNDERSTANDING BETWEEN THE CITY OF AUBURN AND
AUBURN POLICE OFFICERS ASSOCIATION
July 1, 2012, through June 30, 2014

J. TUITION REIMBURSEMENT

1. The City of Auburn supports educational advancement and will participate in paying tuition, fees, costs of text books, parking fees or other incidental educational expenses such as lab fees, registration fees, etc.
2. Such financial support will be based upon funds availability and department head approval for the particular course of study. Payments will be rendered by the City after successful completion of courses as evidenced by grade reports, certificates of completion, credit hours awarded, etc.
3. Courses of study must show some relationship to the employee's job and related duties.
4. Tuition reimbursement final approvals are rendered by the City Manager.

K. ON DUTY FITNESS PROGRAM

Within sixty (60) days after the ratification and approval of a successor MOU, the Chief of Police shall implement an "On Duty Fitness Program". This program shall be designed to maximize employee fitness while taking into consideration the current levels of service provided by the City of Auburn.

L. VACATION SELL BACK

Employees shall be eligible to sell back one hundred and eight (108) hours of vacation during the term of this agreement, July 1, 2012 – June 30, 2014 in accordance with the following:

54 Hours, by or before December 2013

54 Hours, by or before June 2014

M. TERM OF MEMORANDUM OF UNDERSTANDING (MOU) This will be a two (2) year MOU commencing on July 1, 2012, and ending on June 30, 2014.
AUBURN POLICE OFFICERS ASSOCIATION CITY OF AUBURN
"Association" "City"

Stan Hamelin, APOA President

Richard Richardson, City Manager

Date

Date

MEMORANDUM OF UNDERSTANDING BETWEEN THE CITY OF AUBURN AND
AUBURN POLICE OFFICERS ASSOCIATION
July 1, 2012, through June 30, 2014

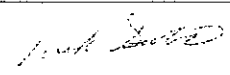
M. TERM OF MEMORANDUM OF UNDERSTANDING (MOU) This will be a two
(2) year MOU commencing on July 1, 2012, and ending on June 30, 2014.
AUBURN POLICE OFFICERS ASSOCIATION CITY OF AUBURN
"Association" "City"

Stan Hamelin, APOA President

Richard Richardson, City Manager

Date

Date


Mark Salvo, Labor Representative


Patrick Clark, Chief Labor Negotiator

09/05/2013

9/6/2013

Date

Date

APPROVED AS TO FORM:

Michael Colantuono, City Attorney

Date

1 RESOLUTION NO. 13-

2 RESOLUTION AUTHORIZING EXECUTION OF AUBURN POLICE OFFICERS
3 ASSOCIATION MEMORANDUM OF UNDERSTANDING
4 -----

5 THE CITY COUNCIL OF THE CITY OF AUBURN DOES HEREBY RESOLVE:
6

7 That the City Council of the City of Auburn does hereby adopt the
8 Memorandum of Understanding between the Auburn Police Officers Association
9 (APOA) and the City of Auburn for the period July 1, 2012 through June 30,
10 2014, and authorizes the City Manager to sign on behalf of the City.
11

12
13 DATED: September 9, 2013

14 _____
Kevin Hanley, Mayor

15 ATTEST:

16 _____
17 Stephanie L. Snyder, City Clerk
18

19 I, Stephanie L. Snyder, City Clerk of the City of Auburn, hereby
20 certify that the foregoing resolution was duly passed at a regular meeting of
21 the City Council of the City of Auburn held on the 9th day of September 2013
by the following vote on roll call:

22 Ayes:
23 Noes:
24 Absent:

25 _____
Stephanie L. Snyder, City Clerk
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RESOLUTION NO. 13-

RESOLUTION FOR EMPLOYER PAID MEMBER CONTRIBUTIONS

WHEREAS, the governing body of the City of Auburn has the authority to implement Government Code Section 20691;

WHEREAS, the governing body of the City of Auburn has a written labor policy or agreement which specifically provides for the normal member contributions to be paid by the employer;

WHEREAS, one of the steps in the procedures to implement Section 20691 is the adoption by the governing body of the City of Auburn of a Resolution to commence said Employer Paid Member Contributions (EPMC);

WHEREAS, the governing body of the City of Auburn has identified the following conditions for the purpose of its election to pay EPMC:

- This benefit shall apply to all employees of Safety Police, Safety Fire, Confidential/Unrepresented, Management Group and City Hall Employees Association (CHEA).

- This benefit shall consist of paying zero (0) percent of the normal member contributions as EPMC.

- The effective date of this Resolution shall be September 9, 2013.

NOW, THEREFORE, BE IT RESOLVED:

That the governing body of the City of Auburn elects to pay EPMC as set forth above.

DATED: September 9, 2013

Kevin Hanley, Mayor

ATTEST:

Stephanie L. Snyder, City Clerk

I, Stephanie L. Snyder, City Clerk of the City of Auburn, hereby certify that the foregoing resolution was duly passed at a regular meeting of the City Council of the City of Auburn held on the 9th day of August 2013 by the following vote on roll call:

Ayes:

Noes:

Absent:

Stephanie L. Snyder, City Clerk

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Report to the Auburn City Council

Action Item

Agenda Item No. **3**City Manager Approval

To: Mayor and City Council Members
From: Bernie Schroeder, Director of Public Works
By: Evan Hasse, Engineering Technician
Date: September 9, 2013
Subject: 1101 High Street Demolition – Notice of Completion

The Issue

Shall the City Council authorize a Notice of Completion for the 1101 High Street Demolition?

Conclusions and Recommendation

Staff recommends that City Council, by **RESOLUTION**, authorize the recording of a Notice of Completion to Sterling Holloway, III, Inc. for the 1101 High Street Demolition.

Background

On July 22, 2013 the City Council awarded the 1101 High Street Demolition to Sterling Holloway, III, Inc. in an amount not to exceed \$13,800.00. Construction started August 26, 2013 and was substantially complete by August 30, 2013. No change orders were associated with the project. Actual cost was \$13,800.00 which was the awarded amount.

Alternatives Available to Council; Implications of Alternatives

The construction has been completed in accordance with the Project Contract Documents. Therefore, authorization to file the Notice of Completion is appropriate and staff has no other alternatives to present.

Fiscal Impact

Demolition of 1101 High Street building and construction of the Downtown Restroom Project is reflected in the recently adopted City of Auburn 2013-2014 Operating Budget. This project is referenced in the General Fund under the Capital Project titled Old City Hall Renovation with a total budget of \$80,000. The cost for demolition of 1101 High Street building was \$13,800. Together with \$10,000 in funding contribution from DBA there will be approximately \$70,000 available to construct the restrooms.

Attachments: Notice of Completion/Resolution

RESOLUTION NO. 13-

RESOLUTION TO AUTHORIZE THE RECORDING OF A NOTICE OF COMPLETION
FOR THE 1101 HIGH STREET DEMOLITION

THE CITY COUNCIL OF THE CITY OF AUBURN DOES HEREBY RESOLVE:

That the City Council of the City of Auburn does hereby authorize the recording of a Notice of Completion to Sterling Holloway, III, Inc. for the 1101 High Street Demolition.

DATED: September 9, 2013

Kevin Hanley, Mayor

ATTEST:

Stephanie L. Snyder, City Clerk

I, Stephanie L. Snyder, City Clerk of the City of Auburn, hereby certify that the foregoing resolution was duly passed at a regular meeting of the City Council of the City of Auburn held on the 9th day of September, 2013 by the following vote on roll call:

Ayes:

Noes:

Absent:

Stephanie L. Snyder, City Clerk

RECORDING REQUESTED BY:
City of Auburn

AND WHEN RECORDED MAIL TO:

City of Auburn
Attn. City Clerk
1225 Lincoln Way
Auburn, CA 95603

SPACE ABOVE THIS LINE FOR RECORDER'S USE

NOTICE OF COMPLETION

Notice pursuant to Civil Code Section 3093, must be filed within 10 days after completion. (See Reverse side for complete requirements.)

NOTICE IS HEREBY GIVEN THAT:

1. The undersigned is owner or agent of the owner of the interest stated below in the property hereinafter described.
2. The full name of the **OWNER** is CITY OF AUBURN
3. The full **ADDRESS** of the Owner is 1225 LINCOLN WAY, AUBURN, CA 95603
4. The nature of the interest or estate of the owner is: In Fee.

(If other than Fee, strike "In fee" and insert, for example, "purchaser under contract of purchase," or "Lessee")

5. The full names and full addresses of all persons, if any, who hold title with the undersigned as joint tenants or as tenants in common are:

N/A

6. The full names and full addresses of the predecessors in interest of the undersigned, if the property was transferred subsequent to the commencement of the work or improvements herein referred to:

N/A

7. A work of improvement on the property hereinafter described was completed on August 30, 2013. The work done was:
The demolition and removal of debris from 1101 High Street.

8. The names of the contractor, if any, for such work of improvement was

Sterling Holloway, III, Inc

August 26, 2013

(If no contractor for work of improvement as a whole, insert "None")

(Date of Contract)

9. The property on which said work of improvement was completed is in the City of Auburn, County of Placer, State of California, and is described as follows: 1101 High Street Demolition

10. The street address of said property is 1101 High Street, Auburn, CA

Dated: September 9, 2013

(Signature of Owner or corporate officer of Owner named in paragraph 2, or his agent)

VERIFICATION

I, the undersigned, say: I am the Deputy City Clerk the declarant of the foregoing Notice of Completion;

I have read said Notice of Completion and know the contents thereof; the same is true to my own knowledge. I declare under penalty of perjury that the foregoing is true and correct.

Executed on _____, _____ at _____, _____.

(Personal signature of the individual who is swearing that the contents of the Notice of Completion are true)

(Page intentionally blank)



Report to the Auburn City Council

Action Item	4
Agenda Item No.	
City Manager's Approval	

To: Mayor and City Council Members
From: Wilfred Wong, Community Development Director
Date: September 9, 2013
Subject: Approval of a Tax Sharing Agreement Between the County of Placer and City of Auburn for Annexation of 16.1 Acres Located at 880 and 890 Foresthill Avenue; and Payment of Annexation Fee

The Issue

Should the City Council approve the Tax Sharing Agreement between the County of Placer and City of Auburn (**Attachment 1 of Exhibit A**) and the payment of an Annexation Fee of \$5,220.35 for the annexation of 16.1 acres located at 880 and 890 Foresthill Avenue?

Conclusions and Recommendation

Staff recommends that the City Council take the following action:

- A. By Resolution, approve the Tax Sharing Agreement between the County of Placer and City of Auburn for the properties located at 880 and 890 Foresthill Avenue (**Exhibit A**).
- B. By Resolution, approve a fee of \$5,220.35 for the annexation of properties located at 880 and 890 Foresthill Avenue (**Exhibit B**).

History/Background

On April 25, 2011 the City Council authorized the submittal of an application with the Placer County LAFCO for annexation of 16.1 acres of property located at 880 and 890 Foresthill Avenue (**Exhibit C**).

In accordance with LAFCO law (Government Code §56000 et seq. cited as the Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000 and the Revenue and Taxation Code Section 99(b)), prior to the issuance of a certificate of filing by LAFCO, the local agencies (i.e. County and City) must first agree to a mutually acceptable exchange of property tax revenues.

Approval of the attached resolution ratifies the Tax Sharing Agreement between the County of Placer and City of Auburn thereby completing the LAFCO annexation application. Completion of the application allows Placer County LAFCO to start finalizing annexation proceedings, including a public hearing, which could be scheduled for October 9, 2013. On August 20, 2013 the County Board of Supervisors approved the Tax Sharing Agreement (**Exhibit D**).

In addition to the Tax Sharing Agreement an Annexation Fee of \$5,220.35 is required to be paid by the applicant. Per the City's General Plan annexations need to be "fiscally sound additions to the City." Staff discussed annexation fees with the Cities of Roseville, Rocklin and Lincoln. Our previous Administrative Services Director, Andy Heath, determined that an Annexation Fee would be required to make up the short fall in property tax.

Alternatives Available to Council; Implications of Alternatives

1. Adopt the Resolutions approving the Tax Sharing Agreement and the Annexation Fee thereby allowing LAFCO to proceed with the annexation;
2. Do not adopt the Resolutions approving the Tax Sharing Agreement and the Annexation Fee; or,
3. Provide further direction to staff.

Fiscal Impacts

The combination of the Tax Sharing Agreement and Annexation Fee will provide for a fiscally sound annexation.

Additional Information

Please see the following Exhibits for more details:

- A. Resolution approving Tax Sharing Agreement.
- B. Resolution approving Annexation Fee.
- C. April 25, 2011 City Council minutes.
- D. August 20, 2013 Placer County memorandum on Tax Sharing Agreement.
- E. August 25, 2011 City Council staff report.



EXHIBIT A

EXHIBIT A

RESOLUTION NO. 13-_____

A RESOLUTION APPROVING A TAX SHARING AGREEMENT BETWEEN THE
COUNTY OF PLACER AND CITY OF AUBURN FOR PROPERTIES
LOCATED AT 880 and 890 FORESTHILL AVENUE
(ASSESSOR PARCELS 054-290-062 AND 054-290-063)

WHEREAS, property owners, Ronald and Kathleen Meyer, have
requested annexation of 16.1 acres of unincorporated land within the City of
Auburn's Sphere of Influence, located at 880 and 890 Foresthill Avenue
adjacent to the City of Auburn and the Stage Coach Preserve owned by the
Placer County Land Trust; and

WHEREAS, damage to an existing residential dwelling located on the
Meyer property located at 890 Foresthill Avenue resulted in the need to
reconstruct the residential dwelling; and

WHEREAS, the septic system does not meet current code and
connection to the old existing septic is unsuitable for a newly constructed or
substantially modified home and Placer County Environmental Health has
required sewer service to the residential dwelling being rebuilt by the property
owner; and

WHEREAS, annexation into the City of Auburn is required so that sewer
services can be provided to the residential dwelling; and

WHEREAS, prior to consideration of the annexation proposal by LAFCO,
the City and County as affected parties must agree to apportionment of
revenues to support delivery of services once annexation occurs; and

1 **WHEREAS**, due to extenuating circumstances with associated
2 requirements, the City and the County have agreed to a property tax sharing
3 approach that would be utilized only for this annexation.
4

5 **NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL, AS**
6 **FOLLOWS:**

7 **SECTION 1.** The Agreement (**Attachment 1**) is hereby approved and
8 the Mayor, the City Manager or the designee of either such officer, is hereby
9 authorized and directed to execute said document, and the City Clerk or the
10 designee thereof is hereby authorized and directed to attest thereto.
11

12
13 DATED: September 9, 2013
14

15 _____
16 Kevin Hanley, Mayor

17 ATTEST:
18

19 _____
20 Stephanie Snyder, City Clerk

21 I, Stephanie Snyder, City Clerk of the City of Auburn, hereby certify that
22 the foregoing resolution was duly passed at a regular meeting of the City
23 Council of the City of Auburn held on the 9th day of September 2013 by the
following vote on roll call:

24 Ayes:
25 Noes:
26 Absent:

27 _____
28 Stephanie Snyder, City Clerk

ATTACHMENT 1

AGREEMENT FOR APPORTIONMENT OF PROPERTY TAX REVENUES DUE TO JURISDICTIONAL CHANGE

This Agreement for Apportionment of Property Tax Revenues Due to Jurisdictional Changes ("Agreement") is made and entered into this _____ day of _____, 2013, by and between the COUNTY OF PLACER, a political subdivision of the State of California ("County"), and the CITY OF AUBURN, a municipal corporation ("City").

WHEREAS, Section 99(b) of the Revenue and Taxation Code provides that upon the filing of an application for a jurisdictional change, prior to the issuance of a certificate of filing by the Local Agency Formation Commission ("LAFCO"), the local agencies must first agree to a mutually acceptable exchange of property tax revenues; and

WHEREAS, Placer County will continue provision of most services including both Countywide and certain municipal type services following annexation; and

WHEREAS, property and sales taxes are the primary source of revenue to support such services; and

WHEREAS, the purpose of this Agreement is to provide for distribution of available property tax revenues between County and City, and

WHEREAS, following damage to a dwelling unit due to a fallen tree, application was made for construction of a replacement dwelling unit in the unincorporated area adjacent to the City of Auburn; and

WHEREAS, the property needed and testing indicated the property was unable to accommodate the septic system required for the replacement unit; and

WHEREAS, other options for wastewater disposal were evaluated and deemed not feasible and annexation into the City of Auburn is required; and

WHEREAS, the County finds that special circumstances exist with respect to this annexation and associated agreement and said Agreement will not establish a basis for future annexations, nor will it set a precedent for other annexation related discussion; and

WHEREAS, the parties have negotiated this Agreement for the exchange of property tax revenues for annexations occurring in the area referred to as the Meyer

annexation as generally shown in Exhibit A and as described in Exhibit A-1 ("Annexation Area") attached hereto and incorporated by reference, whether or not applicable statutes change in the future; and

WHEREAS, in consideration of the mutual covenants herein exchanged, the City and County agree to this tax sharing agreement.

NOW, THEREFORE, County and City agree as follows:

1. Definitions.

a. The "Annexation Area" shall mean the area as described in Exhibits A and A-1 respectively, attached hereto and incorporated herein by reference.

b. Base Property Tax Revenues shall mean the total amount of property tax revenues based upon the AB 8 gross levy for the fiscal year immediately preceding the year in which the annexation is proposed that accrues to: (1) Placer County (General Fund), (2) Fire Control Fund and (3) any other Affected Agency, as determined prior to any adjustment or revenue reallocation by the State of California for the Education Revenue Augmentation Fund (ERAF).

c. Incremental Property Tax Revenues shall mean the amount of property tax revenues accruing to each Affected Agency attributable to the annual tax increment increase in assessed valuation in each fiscal year after the annexation is completed.

d. Affected Agency shall mean each local agency whose service area or service responsibility would be altered by the jurisdictional change. The Affected Agencies within the Annexation Areas are the County of Placer and the City of Auburn.

2. Affected Funds. The County Auditor has notified the City and County pursuant to Revenue and Taxation Code section 99, subdivision (b)(2), that, of the 1% ad valorem property tax imposed pursuant to Article 13A, section 1 of the State Constitution, the property tax revenue which is subject to negotiated exchange consists of the Placer County General Fund percentage, 32% and the Fire Control Fund, 1.41%.

3. Affected Tax Rate Areas which include all Base Property Tax Revenue or Incremental Property Tax Revenue available for allocation and distribution include:

TRA 056-029

4. Allocation of Future Property Taxes. Based on mutual agreement of both parties following completion of annexation of the identified area (subject to the apportionment of taxes for the redevelopment project area until such time that the project area is terminated) Placer County shall:

a. Retain 60% of the 1% property tax available based on the sum total of all base and incremental property tax revenues (i.e. AB8 gross levy prior to adjustments and revenue transfers relative to the Education Revenue Augmentation Fund) accruing to the Placer County General Fund and the Fire Control Fund prior to annexation; and

5. The City of Auburn shall be apportioned the remaining balance of the property tax in the affected funds including the Placer County General Fund and the Fire Control fund; and all general sales tax received from sales in the annexed area.

6. Imposition of Capital Facilities Fees. City agrees that property which may be developed within any annexation area that is subject to this Agreement shall be required to pay the County capital facilities fees, as imposed on development within the City at the time of the issuance of a building permit for such property.

7. Collection of Capital Facilities Fees. City agrees that it shall impose upon a developer of property within the annexation areas the obligation to pay the capital facilities fee pursuant to a development agreement, if one is not yet agreed to by City and the developer, or any other legally binding mechanism agreed to by City and developer. City shall require the fee to be paid prior to or at the time of the issuance of the building permit.

8. Calculation of Base Property Tax Revenue Amount. The Base Property Tax Revenue to be apportioned, pursuant to Section 2 above, shall be calculated by utilizing the actual amount of tax revenues generated from all of the property in the area being annexed in the fiscal year prior to annexation, which total sum shall then be divided and allocated accordingly.

9. Commencement of Exchange. The exchange of Base Property Tax Revenue and Incremental Property Tax Revenue shall commence one year after the calendar year in which the notice of completion is filed.

10. Incremental Property Tax Revenue. Nothing herein shall be interpreted to preclude City or County from receiving Incremental Property Tax Revenue attributable to an annexed territory according to the property tax apportionment methods used by the County Auditor-Controller, notwithstanding the fact that no Base Property Tax Revenues attributable to the annexed territory may have been previously received.

11. Effective Date. This Agreement shall be effective on _____, 2013, and continue in full force and effect thereafter unless amended by the mutual consent of the parties.

CITY OF AUBURN

_____, Mayor
City of Auburn

Date

COUNTY OF PLACER

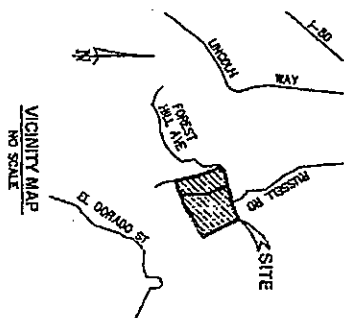
Jim Holmes, Chairman
Placer County Board of Supervisors

Date

County of Placer

Approved as to Form

County Counsel



**EXHIBIT MAP
MEYER
EXISTING STRUCTURES**

A PORTION OF
SECTION 11, T12N R8E, MDM
PLACER COUNTY, CALIFORNIA
SCALE: 1"=100' APRIL 14, 2011

**ANDREGG
GEOMATICS**
1000 W. 10TH AVE.

X:\402\14025\mg\14025EX-Buadmg-dmg
PREPARED AT THE REQUEST OF:
RON WEVER

BOUNDARY SHOWN HEREON BASED ON RECORD PER DOCUMENT NO.
99-0058192 AND DOCUMENT NO. 99-0058193

**HORIZONTAL DATUM:
LOCAL GRID COORDINATES**

City of Auburn Annexation

All that portion of land conveyed in the grant deed to Placer Land Trust, a Non-Profit Corporation, recorded in Document No. 99-0059192, Official Records of Placer County hereinafter referred to as the Placer Land Trust Parcel, and all that portion of land conveyed in the grant deed to Ronald M. Meyer and Kathleen G. Meyer, Trustees, recorded in Document No. 99-0059193, Official Records of Placer County, hereafter referred to as the Meyer Parcel, all located in the northwest quarter of Section 11, Township 12 North, Range 8 East, MDM, County of Placer, State of California, more particularly described as follows:

Beginning at point on the easterly line of Canyon Drive, said line also being the City of Auburn City limits line as described in City of Auburn Resolution No. 72-95 – Canyon Court Annexation No. 2; thence from the **Point of Beginning** along said City Limits line and said easterly line of Canyon Drive the following six (6) consecutive courses:

1. South 00°54'00" East, a distance of 69.52 feet,
2. South 32°56'00" East, a distance of 79.81 feet,
3. South 06°59'00" East, a distance of 88.69 feet,
4. South 01°35'00" East, a distance of 80.58 feet,
5. South 01°22'00" East, a distance of 37.17 feet and
6. South 27°51'00" West, a distance of 8.66 feet

to a point on the southerly line of said Placer Land Trust Parcel; thence along said southerly line the following three (3) consecutive courses:

1. North 76°29'00" East, a distance of 49.50 feet,
2. South 18°02'00" East, a distance of 161.23 feet and
3. North 73°34'00" East, a distance of 228.00

to the southeast corner of said Placer Land Trust Parcel and the southwest corner of said Meyer Parcel; thence along the southerly line of said Meyer Parcel the following two (2) consecutive courses:

1. continuing North 73°34'00" East, a distance of 147.02 feet and
2. North 63°13'03" East, a distance of 600.00 feet

to the southeast corner of said Meyer Parcel; thence North 25°15'55" West, along the easterly line of said Meyer parcel, a distance of 672.70 feet to the northeast corner of said Meyer Parcel; thence along the northerly line of said Meyer Parcel the following four (4) consecutive courses:

Thence along the northerly line of said Meyer Trust the following four (4) consecutive courses and distances:

1. South 62°40'56" West, a distance of 178.43 feet,
2. South 84°14'57" West, a distance of 266.40 feet,
3. South 82°29'31" West, a distance of 75.63 feet and
4. South 74°33'31" West a distance of 52.00 feet

to the northwest corner of said Meyer Parcel and the northeast corner of said Placer Land Trust Parcel;

thence along the northerly line of said Placer Land Trust Parcel the following three (3) consecutive courses:

1. continuing South 74°33'31" West, a distance of 10.00 feet,
2. South 70°08'31" West, a distance of 195.74 feet and
3. South 69°18'31" West a distance of 93.43 feet

to the northwest corner of said Placer Land Trust Parcel; thence along the westerly line of said Placer Land Trust Parcel the following two (2) consecutive courses:

1. South 01°25'38" West, a distance of 253.77 feet and
2. South 81°00'00" East, a distance of 12.19 feet

to a point on said City of Auburn City Limits Line; thence along said City Limits Line the following two (2) consecutive courses:

1. South 81°00'00" East, a distance of 23.83 feet and
2. North 89°06'00" East, a distance of 40.00 feet

to the **Point of Beginning.**

Containing 16.1 acres, more or less.

End of Description.

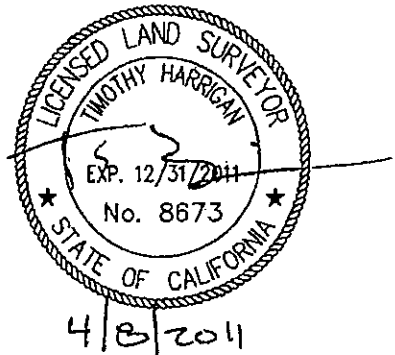




EXHIBIT B

EXHIBIT B

RESOLUTION NO. 13-_____

A RESOLUTION APPROVING A FEE OF \$5,220.35 FOR THE ANNEXATION OF
PROPERTIES LOCATED AT 880 and 890 FORESTHILL AVENUE
(ASSESSOR PARCELS 054-290-062 AND 054-290-063)

WHEREAS, property owners, Ronald and Kathleen Meyer, have
requested annexation of 16.1 acres of unincorporated land within the City of
Auburn's Sphere of Influence, located at 880 and 890 Foresthill Avenue
adjacent to the City of Auburn and the Stage Coach Preserve owned by the
Placer County Land Trust; and

WHEREAS, a Tax Sharing Agreement has been approved by the County
of Placer and City of Auburn; and

WHEREAS, it is the General Plan Policy of the City to annex those lands
which can be developed in accordance with the Auburn General Plan, are
fiscally sound additions to the City, can be adequately served by municipal (or
acceptable alternative) facilities and services, and are part of a planned,
orderly annexation program; and

WHEREAS, in addition to the Tax Sharing Agreement with the County of
Placer an Annexation Fee is required to make the Annexation a fiscally sound
addition to the City; and

**NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL, AS
FOLLOWS:**

SECTION 1. An Annexation Fee of \$5,220.35 shall be required to be
paid to the City of Auburn prior to the City's execution of the Tax Sharing
Agreement.

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DATED: September 9, 2013

Kevin Hanley, Mayor

ATTEST:

Stephanie Snyder, City Clerk

I, Stephanie Snyder, City Clerk of the City of Auburn, hereby certify that the foregoing resolution was duly passed at a regular meeting of the City Council of the City of Auburn held on the 9th day of September 2013 by the following vote on roll call:

Ayes:
Noes:
Absent:

Stephanie Snyder, City Clerk



EXHIBIT C

Auburn City Council Minutes 04/25/2011

CITY COUNCIL MINUTES

**April 25, 2011
REGULAR SESSION**

The Regular Session of the Auburn City Council was held in the Council Chambers, City Hall, 1225 Lincoln Way, Auburn, California on Monday, April 25, 2011 at 6:00 p.m. with Mayor Kirby presiding and Deputy City Clerk Amy M. Lind recording the minutes.

CALL TO ORDER

ROLL CALL:

Council Members Present: Bridget Powers, Kevin Hanley, J. M. Holmes, Keith Nesbitt, Bill Kirby

Council Members Absent: None

Staff Members Present: City Manager Robert Richardson, City Attorney Michael Colantuono, Community Development Director Will Wong, Fire Chief Mark D'Ambrogi, Public Works Director Bernie Schroeder, Public Works Engineer Carie Huff, Transit Analyst Megan Siren, Administrative Services Director Andy Heath, Police Chief Valerie Harris and Police Captain John Ruffcorn.

By **MOTION** adjourn to a Closed Session under Government Code Section 54957.6

MOTION: Nesbitt/ Hanley/ Unanimously Approved by Voice

- (1) **CONFERENCE WITH LABOR NEGOTIATORS**
G.C. 54957.6

Agency Designated Representatives: Robert Richardson, Patrick Clark

Employee Group: All Bargaining Units

REPORT OUT OF CLOSED SESSION

No reportable action.

PLEDGE OF ALLEGIANCE

**MAYOR'S COMMENDATIONS/PROCLAMATIONS/ACKNOWLEDGEMENTS/
ANNOUNCEMENTS**

Mayor Kirby presented a Youth Temperance Education Week proclamation.

AGENDA APPROVAL

The agenda was approved as presented by consensus of the Council.

CONSENT CALENDAR

Joseph Tuccirone, resident of Auburn, requested item 2 be removed. Council Member Hanley removed item 2.

1. Surplus Equipment

By **RESOLUTION 11-46**, declare as surplus to the City's needs the equipment listed on Exhibit A and direct staff to contact with an auctioneer to assist the City in disposal of equipment or properly dispose of items.

2. Authorization to Submit an Application to Placer County Local Agency Formation Commission (LAFCO) to consider annexation of two properties totaling ±16.1 acres located at 880 & 890 Foresthill Avenue

Removed from Consent Calendar; see item 2a.

***** End of Consent Calendar *****

By **MOTION**, approve the consent calendar consisting of item 1.
MOTION: Nesbitt/ Powers/ Approved 5:0

2a. Authorization to Submit an Application to Placer County Local Agency Formation Commission (LAFCO) to consider annexation of two properties totaling ±16.1 acres located at 880 & 890 Foresthill Avenue

Joseph Tuccirone, resident of Auburn, expressed his concern regarding City annexation of this property due to fire safety and septic system issues.

Community Development Director Will Wong explained this annexation is part of a use permit process by the County. He said the tax sharing agreement will be completed as part of this process to ensure the annexation is fiscally responsible.

Council Members then asked questions about: (1) fire safety, (2) tax sharing agreement, (3) city staff time for this annexation, (4) sewer connection fees, and (5) the lift station.

A. By **RESOLUTION 11-47**, adopt a Categorical Exemption prepared for the project as the appropriate level of environmental review in accordance with the California Environmental Quality Act (CEQA) and Guidelines; and,

B. By **RESOLUTION 11-48**, authorize the submission of an application to the Placer County Local Agency Formation Commission (LAFCO) to consider annexation of ±16.1 acres located at 880 & 890 Foresthill Avenue.

MOTION: Hanley/ Holmes/ Approved 5:0

3. **Public Comment**

Council Member Nesbitt thanked those in attendance at the Placer High School fundraiser benefitting student sports.

Megan Siren, Transit Manager, reported the Free Medication Take Back event will take place Saturday, April 30th, in the City Hall Parking Lot.

REPORTS

4. **City Council Committee Reports**

Council Member Powers reported the Airport Business Park Association is meeting this Wednesday at 5:30 p.m. She said the featured speaker is Congressman McClintock. She also reported that the Placer County Economic Development Board met last Wednesday and provided an update on the "Business to Business Walk."

Council Member Holmes reported that the Placer County Air Pollution Control District approved a \$6,500 "Clean Air Grant" for the City of Auburn. He reported that the SED Corp Board has approved a position to the board for a private sector member from the City of Auburn. He also reported on the latest developments regarding the Auburn State Recreation Area.

Council Member Hanley reported that Project Canyon Safe will be working at the "Dam Overlook" on June 25th. He said Recology is going to have employees volunteer for this event. He also said there are more project sites planned for the future.

Council Member Nesbitt said the Economic Development Commission has met recently and is proactively developing the marketing plan for Auburn. He reported that the Chamber Breakfast on April 29th will include a discussion about the Amgen Tour of California stage start in Auburn. He also reported on other events surrounding the stage start.



EXHIBIT D

MEMORANDUM
OFFICE OF THE
COUNTY EXECUTIVE
COUNTY OF PLACER

TO: Honorable Board of Supervisors

FROM: Holly L. Heinzen, Chief Assistant County Executive Officer

DATE: August 20, 2013

SUBJECT: Meyer Proposed Annexation Resolution and Tax Sharing Agreement

ACTION REQUESTED

Approve the attached Resolution authorizing the Chairman of the Board of Supervisors to sign a property tax sharing agreement with the City of Auburn for the annexation of Assessor Parcels (APN) 054-290-062 and 054-290-063 located on Foresthill Avenue adjacent to the City of Auburn.

BACKGROUND

Property owners have requested annexation of 17.1 acres of unincorporated land within the City's Sphere of Influence, located at 880 and 890 Foresthill Avenue adjacent to the City of Auburn and the Stage Coach Preserve owned by the Placer County Land Trust. The proposed annexation area contains four residential units owned by Ronald and Kathleen Meyer on APN# 054-290-062, and designated open space owned by the Placer Land Trust (APN 054-290-063). The property is built out and no further development is proposed upon annexation by the City.

Damage to the residence located on the Meyers property has resulted in the need to reconstruct one of the residential units. The request for annexation is predicated on a County Environmental Health requirement to provide sewer service to the home being rebuilt by the property owner. The existing home, damaged by a fallen tree was previously served by septic system. Soils for the septic do not meet current code and connection to the old existing septic is unsuitable for a newly constructed or substantially modified home. There is one structure in the annexation area already being served by City sewer due to a failed septic system. The City of Auburn is requiring annexation to the City in order to provide sewer services to the reconstructed dwelling unit. Placer Land Trust has deeded a sewer line easement across their property to the Meyers property.

ISSUE

Prior to consideration of the annexation proposal by the Local Agency Formation Commission (LAFCo), the County and City as the affected parties must agree to apportionment of revenues to support delivery of services once annexation occurs. In order for the annexation to be considered by LAFCo both jurisdictions must approve a Resolution approving an agreement for sharing of taxes generated in the annexation area.

County and City staff have reached an agreement for revenue sharing apportionments that will provide support of countywide and municipal type services. The tax shares agreed upon are based on a prior agreement Master Property Tax Sharing Agreement with the City that relied on the existing proportionate shares of property tax within the City being applied to property tax available for the proposed annexation. Given this is a very small annexation that does not include construction of new dwelling units and the extenuating circumstances involved, this appears to be a reasonable approach.

FISCAL IMPACT

Currently, of the 1% of the property tax received in the proposed annexation area, the County General Fund receives approximately 31% and Fire Control receives 1.41% of the property tax increment. As proposed under the attached agreement, the County would retain 60% of the amount currently accruing to the General Fund and the Fire Control Fund (prior to shifts to the Education Revenue Augmentation Fund - ERAF). The County will retain responsibility for countywide services in the area. The City of Auburn would be apportioned the remaining balance of the property tax in the affected funds and all general sales tax received from sales in the annexed area. In addition, consistent with requirements in other property tax agreements, the City agrees to impose and collect the Placer County Capital Facilities Fee for impacts of new development on County facilities, which the City currently does for all projects within the City limits

Given, the existing statutory structure for allocation of property tax revenues, including the property tax shift to the schools, the limited size and development potential, it is anticipated that the provision of countywide services would not be materially impacted with this annexation and that services would continue to be provided at approximately the same level as currently exists.

Attachments: Resolution
Tax Sharing Agreement

Before the Board of Supervisors County of Placer, State of California

Resol. No: _____

In the Matter of:

Annexation of Assessor Parcels (APN) 054-290-062 and 054-290-063 to the City of Auburn.

The following Resolution was duly passed by the Board of Supervisors of the County of Placer at a regular meeting held on August 20, 2013 by the following vote on roll call:

Ayes:

Noes:

Absent:

Signed and approved by me after its passage.

Chair, Board of Supervisors

Attest:
Clerk of said Board

Whereas, property owners have requested annexation of 17.1 acres of unincorporated land within the City's Sphere of Influence, located at 880 and 890 Foresthill Avenue adjacent to the City of Auburn and the Stage Coach Preserve owned by the Placer County Land Trust; and

Whereas, the proposed annexation area contains four residential units owned by Ronald and Kathleen Meyer on APN# 054-290-062, and designated open space owned by the Placer Land Trust (parcel # 054-290-063); and

Whereas the property is built out and no further development is proposed upon annexation by the City; and

Whereas, damage to the existing residence located on the Meyers property has resulted in the need to reconstruct one of the residential units; and

Whereas, the septic system does not meet current code and connection to the old existing septic is unsuitable for a newly constructed or substantially modified home and County Environmental Health has required sewer service to the home being rebuilt by the property owner; and

Whereas, the City of Auburn is requiring annexation in order to provide sewer services to the reconstructed dwelling unit; and

Whereas, Placer Land Trust has deeded a sewer line easement across their property to the Meyers property; and

Whereas, prior to consideration of the annexation proposal by LAFCo, the County and City as the affected parties must agree to apportionment of revenues to support delivery of services once annexation occurs.

Whereas, due to extenuating circumstances associated requirements, the City and the County have agreed to a property tax sharing approach that would be utilized only for this annexation

Now, therefore be it resolved, that the Board of Supervisors authorizes the County to enter into the attached property tax sharing agreement with the City of Auburn and the Chairman of the Board of Supervisors to sign on behalf of Placer County.

AGREEMENT FOR APPORTIONMENT OF PROPERTY TAX REVENUES DUE TO JURISDICTIONAL CHANGE

This Agreement for Apportionment of Property Tax Revenues Due to Jurisdictional Changes ("Agreement") is made and entered into this _____ day of _____, 2013, by and between the COUNTY OF PLACER, a political subdivision of the State of California ("County"), and the CITY OF AUBURN, a municipal corporation ("City").

WHEREAS, Section 99(b) of the Revenue and Taxation Code provides that upon the filing of an application for a jurisdictional change, prior to the issuance of a certificate of filing by the Local Agency Formation Commission ("LAFCO"), the local agencies must first agree to a mutually acceptable exchange of property tax revenues; and

WHEREAS, Placer County will continue provision of most services including both Countywide and certain municipal type services following annexation; and

WHEREAS, property and sales taxes are the primary source of revenue to support such services; and

WHEREAS, the purpose of this Agreement is to provide for distribution of available property tax revenues between County and City, and

WHEREAS, following damage to a dwelling unit due to a fallen tree, application was made for construction of a replacement dwelling unit in the unincorporated area adjacent to the City of Auburn; and

WHEREAS, the property needed and testing indicated the property was unable to accommodate the septic system required for the replacement unit; and

WHEREAS, other options for wastewater disposal were evaluated and deemed not feasible and annexation into the City of Auburn is required; and

WHEREAS, the County finds that special circumstances exist with respect to this annexation and associated agreement and said Agreement will not establish a basis for future annexations, nor will it set a precedent for other annexation related discussion; and

WHEREAS, the parties have negotiated this Agreement for the exchange of property tax revenues for annexations occurring in the area referred to as the Meyer

annexation as generally shown in Exhibit A and as described in Exhibit A-1 ("Annexation Area") attached hereto and incorporated by reference, whether or not applicable statutes change in the future; and

WHEREAS, in consideration of the mutual covenants herein exchanged, the City and County agree to this tax sharing agreement.

NOW, THEREFORE, County and City agree as follows:

1. Definitions.

a. The "Annexation Area" shall mean the area as described in Exhibits A and A-1 respectively, attached hereto and incorporated herein by reference.

b. Base Property Tax Revenues shall mean the total amount of property tax revenues based upon the AB 8 gross levy for the fiscal year immediately preceding the year in which the annexation is proposed that accrues to: (1) Placer County (General Fund), (2) Fire Control Fund and (3) any other Affected Agency, as determined prior to any adjustment or revenue reallocation by the State of California for the Education Revenue Augmentation Fund (ERAF).

c. Incremental Property Tax Revenues shall mean the amount of property tax revenues accruing to each Affected Agency attributable to the annual tax increment increase in assessed valuation in each fiscal year after the annexation is completed.

d. Affected Agency shall mean each local agency whose service area or service responsibility would be altered by the jurisdictional change. The Affected Agencies within the Annexation Areas are the County of Placer and the City of Auburn.

2. Affected Funds. The County Auditor has notified the City and County pursuant to Revenue and Taxation Code section 99, subdivision (b)(2), that, of the 1% ad valorem property tax imposed pursuant to Article 13A, section 1 of the State Constitution, the property tax revenue which is subject to negotiated exchange consists of the Placer County General Fund percentage, 32% and the Fire Control Fund, 1.41%.

3. Affected Tax Rate Areas which include all Base Property Tax Revenue or Incremental Property Tax Revenue available for allocation and distribution include:

TRA 056-029

4. Allocation of Future Property Taxes. Based on mutual agreement of both parties following completion of annexation of the identified area (subject to the apportionment of taxes for the redevelopment project area until such time that the project area is terminated) Placer County shall:

a. Retain 60% of the 1% property tax available based on the sum total of all base and incremental property tax revenues (i.e. AB8 gross levy prior to adjustments and revenue transfers relative to the Education Revenue Augmentation Fund) accruing to the Placer County General Fund and the Fire Control Fund prior to annexation; and

5. The City of Auburn shall be apportioned the remaining balance of the property tax in the affected funds including the Placer County General Fund and the Fire Control fund; and all general sales tax received from sales in the annexed area.

6. Imposition of Capital Facilities Fees. City agrees that property which may be developed within any annexation area that is subject to this Agreement shall be required to pay the County capital facilities fees, as imposed on development within the City at the time of the issuance of a building permit for such property.

7. Collection of Capital Facilities Fees. City agrees that it shall impose upon a developer of property within the annexation areas the obligation to pay the capital facilities fee pursuant to a development agreement, if one is not yet agreed to by City and the developer, or any other legally binding mechanism agreed to by City and developer. City shall require the fee to be paid prior to or at the time of the issuance of the building permit.

8. Calculation of Base Property Tax Revenue Amount. The Base Property Tax Revenue to be apportioned, pursuant to Section 2 above, shall be calculated by utilizing the actual amount of tax revenues generated from all of the property in the area being annexed in the fiscal year prior to annexation, which total sum shall then be divided and allocated accordingly.



EXHIBIT E



Report to the Auburn City Council

Action Item	2
Agenda Item No.	
City Manager's Approval	

To: Mayor and City Council Members

From: Lance E. Lowe, AICP, Associate Planner

Date: April 25, 2011

Subject: Authorization to Submit an Application to the Placer County Local Agency Formation Commission (LAFCO) to Consider Annexation of Two Properties Totaling ±16.1 Acres Located at 880 & 890 Foresthill Avenue.

The Issue

Should the City Council Authorize the submittal of an application to the Placer County Local Agency Formation Commission (LAFCO) to consider annexation of two properties totaling ±16.1 acres located at 880 and 890 Foresthill Avenue (**Attachment 1**)?

Conclusions and Recommendation

Staff recommends that the City Council take the following actions:

- A. By Resolution, adopt a Categorical Exemption prepared for the project as the appropriate level of environmental review in accordance with the California Environmental Quality Act (CEQA) and Guidelines (**Exhibit A**); and,
- B. By Resolution, authorize the submittal of an application to LAFCO to consider Annexation of ±16.1 acres located at 880 & 890 Foresthill Avenue (**Exhibit B**).

History/Background

The applicant has obtained a Minor Use Permit (MUP) from the Placer County Community Development & Resource Agency to replace an existing singly family dwelling unit on his ±10.6 acre property located at 890 Foresthill Avenue. A condition of the MUP requires the applicant to obtain sewer connections from the City for each of the dwellings (4 total) prior to obtaining a Certificate of Occupancy for the replaced residence (Condition of Approval No. 4) (**Attachments 2 & 3**).

In order to obtain additional sewer connections from the City, it has been the City's policy that property owners desiring additional City sewer hookups be required to annex into the City prior to obtaining additional City sewer connections. Accordingly, the applicant has been unable to comply with Placer County's Condition of Approval No. 4. and is therefore requesting that his property be considered for annexation by the Placer County Local Agency Formation Commission (LAFCO) (**Attachment 4**).

The applicant has also spoken with the adjoining property owners and the Placer County Land Trust, which owns an adjoining property at 880 Foresthill Avenue (between the City of Auburn and applicant's property) has agreed to participate in the annexation proceedings. According to correspondence received from the Placer County Land Trust (**Attachment 5**), the Placer County Land Trust is agreeable to the annexation provided that: 1) No further development will occur on the properties; 2) Placer Land Trust property will be designated Open Space Conservation; and, 3) No costs will be incurred by Placer Land Trust related to the annexation process.

Project Description

Adoption of the attached resolutions provides authorization to LAFCO to accept an annexation application for processing. The ±16.1 acre properties located at 880 & 890 Foresthill Avenue adjoin property currently outside of the City's jurisdiction, but are within the City's Sphere of Influence. The City's General Plan Land Use designation for the subject properties is Urban Low Density Residential which allows four (4) dwelling units per acre.

In addition to annexation of the properties into the City, the applicant is requesting that the Community Development Department concurrently process entitlements consisting of a General Plan Amendment and Pre-zone for both of the properties. The General Plan designation of Urban Low Density Residential is proposed to be changed to Open Space and Pre-Zoned to Open Space Conservation for the Placer Land Trust property identified as APN: 054-290-063. The applicant's property is proposed to be changed from Urban Low Density Residential to Low Density Residential, which allows a density of ½ units per acre and a Pre-Zone to Agricultural Residential, minimum parcel size of 2.5 units per acre (**Attachment 6**).

The General Plan Amendment & Rezone require public hearings at both the Planning Commission and City Council. The Annexation, General Plan Amendment & Pre-zone applications will run concurrently. Ratification of a tax sharing agreement between the City and County is required prior to approval of the annexation by LAFCO.

Annexation Policy

In accordance with Resolution No. 99-64 it has been the policy of the City of Auburn that the City shall actively encourage annexation. Specifically, Resolution 99-64 states:

"That pre-annexation activities shall be initiated for those areas within an appropriate sphere of influence that (1) are fiscally sound additions to the City; (2) can be served by municipal facilities or an acceptable alternative; (3) are beneficial to the residents and businesses within the City of Auburn and the area to be annexed; and, (4) conform with the policies of the Auburn General Plan."

General Plan Consistency

As depicted on the City of Auburn Land Use Map, the subject property is designated for Urban Low Density Residential (ULDR) use. A Residential Low Density designation allows a density of up to 4 dwelling units per net acre. Land Use Policies of the City of Auburn General Plan promote annexation provided the annexation is fiscally sound and provisions for water, sewer,

and drainage system improvements are provided. The project is consistent with the Urban Low Density Residential General Plan designation and the following General Plan policies and goals:

- Policy 10.1 – Utilize development standards and annexation to promote open space and to manage the rate, location, and type of growth.
- Policy 10.2 – Annex those lands which can be developed in accordance with the Auburn General Plan, are fiscally sound additions to the City, can be adequately served by municipal (or acceptable alternative) facilities and services, and are part of a planned, orderly annexation program.
- Policy 10.3 – Pre-zone all properties proposed for annexation in a manner consistent with the Auburn General Plan.
- Policy 10.4 – The Auburn General Plan and zoning designations for annexed land should consider the following criteria:
 - a. The capacity of facilities and municipal services.
 - b. The environmental effects that development on lands proposed for annexation may have on properties within the existing city limits.
 - c. Existing land uses, if any, on and in the vicinity of the land use.
 - d. The extent of any natural habitats and features of the landscape which should be preserved.
 - e. The demonstrated need for additional housing, retail commercial uses, other commercial uses, and industrial uses.

Environmental Determination

The subject property contains four (4) dwelling units with associated improvements. No further development is proposed with the annexation and the City services to be provided would only serve existing development.

In accordance with Section 15319, Class 19, of the California Environmental Quality Act (CEQA) and Guidelines, the project may be determined to be Categorically Exempt under the following provisions:

- a) Annexations to a city or special district of areas containing existing public or private structures developed to the density allowed by the current zoning or pre-zoning of either the gaining or losing governmental agency whichever is more restrictive, provided however, that the extension of utility services to the existing facilities would have a capacity to serve only the existing facilities.
- b) Annexations of individual small parcels of the minimum size for facilities exempted by Section 15303, New Construction or Conversion of Small Structures.

Alternatives Available to Council; Implications of Alternatives

1. Adopt the Resolutions authorizing the submittal of an application to the Placer County Local Formation Commission; or,
2. Do not adopt the Resolutions authorizing submittal of an application to the Placer County Local Formation Commission; or,

3. Provide further direction to Staff.

Fiscal Impacts

As a component of annexation and prior to approval by LAFCO, a City/County Tax Sharing Agreement is required to be ratified between the City and County. Once negotiated between the City and County, the Tax Sharing Agreement shall be presented to the City Council for approval.

Additional Information

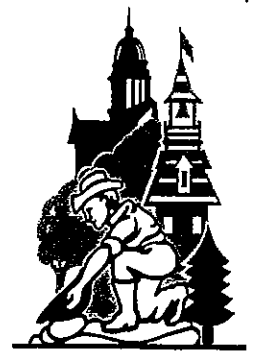
Please see the following attachments for more details:

ATTACHMENTS –

1. Vicinity Map
2. Site Plan
3. County of Placer Community Development Resource Agency Approval
4. Applicant's Correspondence dated April 14, 2011
5. Placer County Land Trust Correspondence dated March 24, 2011
6. City of Auburn General Plan Land Use & Zoning Maps

EXHIBITS –

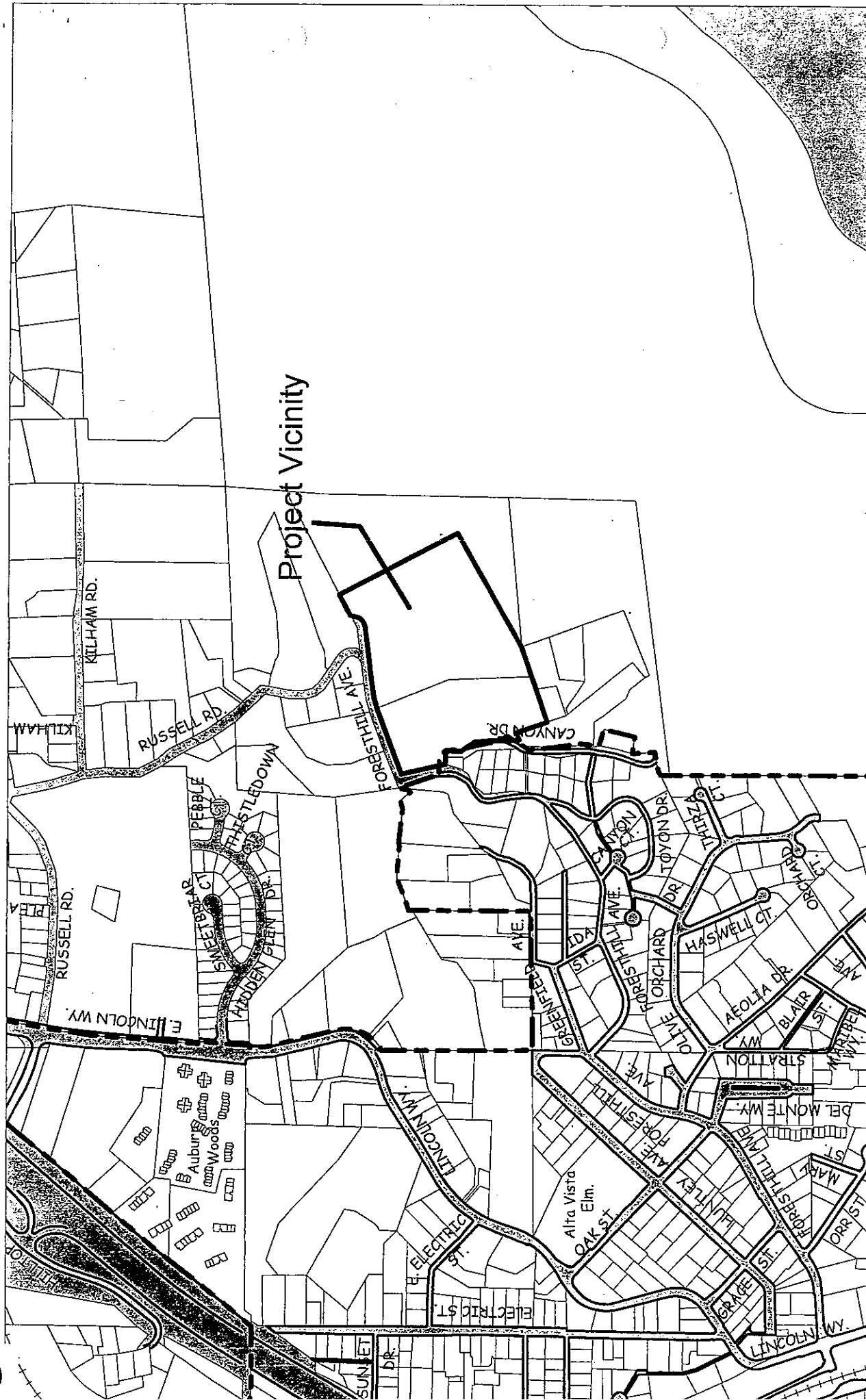
- A. Resolution adopting Categorical Exemption with Attached Categorical Exemption
- B. Resolution Authorizing the Submittal of an Application with the Placer County Local Agency Formation Commission.



ATTACHMENTS

880 & 890 Foresthill Avenue

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ATTACHMENT 1



COUNTY OF PLACER
Community Development Resource Agency

ATTACHMENT 3

PLANNING

Michael J. Johnson, AICP
Agency Director

FINAL FINDINGS AND FINAL CONDITIONS OF APPROVAL
MINOR USE PERMIT PMPC 20100380 - MEYER

CEQA FINDINGS:

The project is Categorically Exempt from environmental review pursuant to the provisions of Section 15302 of the California Environmental Quality Act Guidelines and Section 18.36.040 of the Placer County Environmental Review Ordinance (Class 2, Replacement or Reconstruction).

FINAL FINDINGS:

1. The proposed use is consistent with applicable policies and requirements of the Placer County General Plan and the Auburn/Bowman Community Plan.
2. The proposed project is consistent with all applicable provisions of the Placer County Zoning Ordinance.
3. The Minor Use Permit does not authorize a use that is not otherwise allowed in the zoning district.

FINAL CONDITIONS OF APPROVAL:

1. This Minor Use Permit (PMPCT20100380) is approved to allow for the construction of a 3,000 square foot single-family residence at the location of an existing storm-damaged residence on APN 054-290-062.
2. The applicant shall obtain a building permit for the construction of the single-family residence.
3. The applicant shall construct the single-family residence within the footprint of the residence to be demolished.
4. Prior to Building permit issuance, submit to Environmental Health Services a "Will-serve" letter from the City of Auburn stating that the City of Auburn sewer district can and will provide sewerage service to all plumbed structures on the subject parcel. Connect all residences and structures with plumbing on the parcel to this public sewer, and properly abandon all existing septic systems on site. All remaining septic system abandonments to be completed with permit and inspection by the Placer County Building Department. Prior to issuance of an Environmental Health Services Final for a building permit, submit written verification to Environmental Health Services of completion of the above.
5. Prior to building permit issuance, submit to Environmental Health Services, a will serve letter from Placer County Water Agency for domestic treated water service, and connect the project to this domestic treated water supply.
6. This approval shall expire on December 27, 2012 unless previously exercised.

ATTACHMENT 4

April 14, 2011

City of Auburn
1225 Lincoln Way
Auburn, CA 95603

To whom it may concern:

The following is a brief history leading up to the need for annexation into the city of Auburn. We purchased this property located at 890 Foresthill Avenue, Auburn, in July of 2002. After moving onto the property we experienced a failing septic system for the house that we will be replacing. After exploring all alternatives for on site disposal we realized we had no solutions to remedy the problem. We then installed a sewer line connecting to the City of Auburn.

In October of 2010 we hired an architect to draw plans for a house to replace the existing one. I then visited all the agencies at Placer County and was told I would need a minor use permit that we were granted Dec. 16, 2010. One of the conditions of the use permit was that we connect all plumbed structures to the city sewer. We then went to the city to get a will serve letter for sewer connection and were told we would need to annex in order to do so.

If I can answer any further questions, please don't hesitate to ask.

Sincerely,



Ron and Kathy Meyer





Natural Wonders Forever

Placer Land Trust

11661 Blocker Drive #110
Auburn, CA 95603
(530) 887-9222
Fax (530) 888-7720
info@placerlandtrust.org
www.placerlandtrust.org

Board of Directors

Fred Yeager, President
Patricia Callan-McKinney
Rich Ferreira
Robert Gilliom
Jim Haagen-Smit
Gregg McKenzie
Thomas McMahan
Mehrey Vaghti
Larry Welch

Executive Director

Jeff Darlington

Placer Land Trust works with willing landowners and conservation partners to permanently preserve natural and agricultural lands in Placer County for future generations.



Placer Land Trust is a private, nonprofit 501(c)(3) charitable organization incorporated in 1991, accredited by the national Land Trust Accreditation Commission. Federal Tax Identification Number: 68-0223143.

To: Wilfred Wong, City of Auburn
Ron Meyer
Kristina Berry, LAFCO
Bob Gilliom, Emigrant Trails Greenway Trust
Meyer/Stagecoach area neighbors

On March 15, 2011, Placer Land Trust's neighbor Ron Meyer informed Placer Land Trust (PLT) that he is seeking City of Auburn approval for City sewer service to an existing site on his Foresthill Avenue property.

Ron and the City informed PLT that the City and/or LAFCO would require Ron's property and the intervening property – a portion of PLT's Stagecoach Preserve – to be annexed into the City of Auburn, in order for this service to be approved.

PLT has discussed this proposal with Ron Meyer and with Wilfred Wong, Community Development Director for the City of Auburn.

Placer Land Trust is willing to have a portion of its Stagecoach Preserve annexed into the City of Auburn, subject to the following understandings and actions.

First, PLT's policy is to avoid taking actions that facilitate development around its protected lands, and, if possible, to enhance its protected lands through a variety of actions with willing landowners (including limiting adjacent development through agreements with willing landowners).

In this case, PLT policy does not prevent PLT from accommodating Ron Meyer's sewer hook-up to an existing building site, since it does not result in increased development density either on the Meyer property or other adjacent properties. Ron Meyer's sewer hook-up proposal is consistent with that certain *Deed of Sewer Line Easement, June 2, 2004*, by and between PLT and Ron Meyer, which restricts the amount of sewer service to the Meyer property across PLT's Stagecoach Preserve.

Consistent with its policy, PLT will not allow any additional City sewer or other utilities to cross Stagecoach Preserve, whether to Ron Meyer or any other neighbor.

(continued)

RECEIVED

MAR 25 2011

Furthermore, Ron Meyer has agreed to place deed restrictions on his property, enforceable by PLT, to forever limit development to four residential units, regardless of future changes in property zoning or ownership. Given that fact, and with Ron Meyer's consent, PLT encourages the City to zone the Meyer property consistent with this existing density upon annexation.

Secondly, PLT requires Ron Meyer to compensate PLT for any costs incurred by PLT related to the annexation process.

Finally, PLT understands that this annexation will not increase the property tax burden on our Stagecoach Preserve property, and PLT requests the City to zone the annexed portions of its Stagecoach Preserve as Open Space, consistent with the property's protected status and existing and perpetual use for public benefit.

Placer Land Trust values our relationships with the City of Auburn and with our neighbors, many of whom in this neighborhood joined with Emigrant Trails Greenway Trust and the Meyer family to fund PLT's acquisition and permanent protection of Stagecoach Preserve.

Please feel free to contact me with any questions you may have.

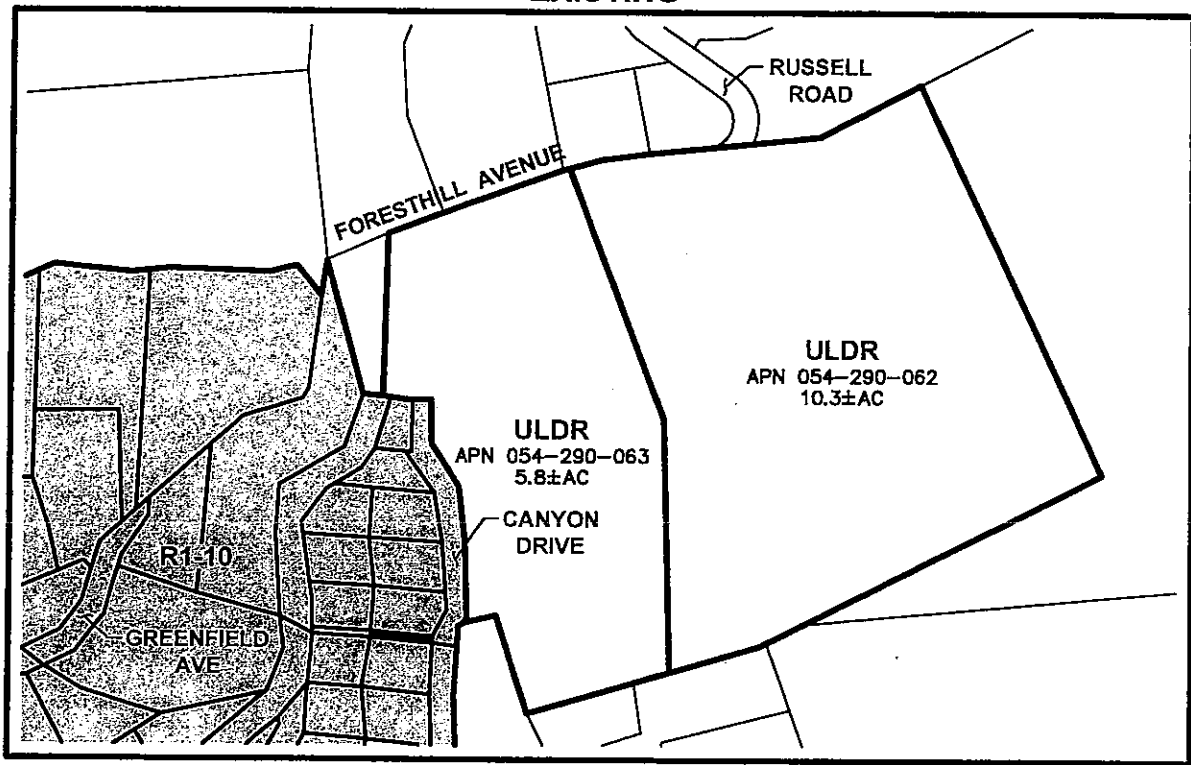
Sincerely,

A handwritten signature in black ink, appearing to read 'JD' or 'Jeff Darlington', with a long horizontal stroke extending to the right.

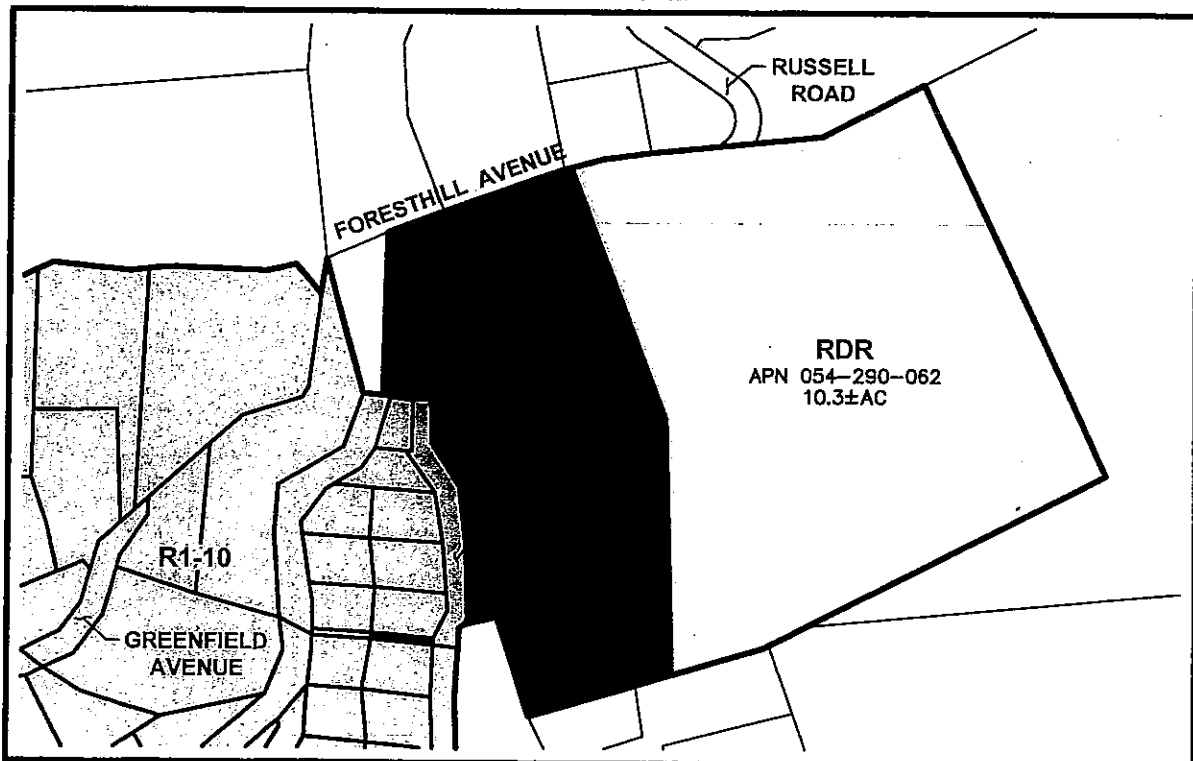
Jeff Darlington
Executive Director

Proposed General Plan Amendment

EXISTING

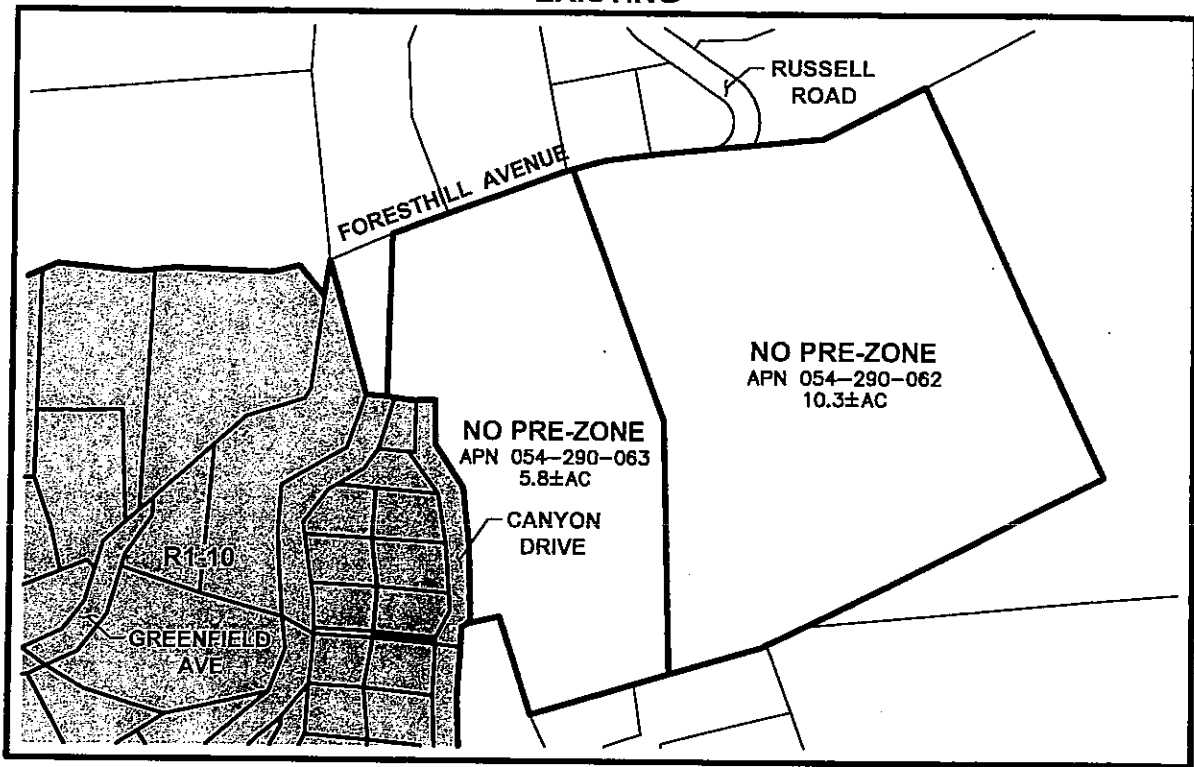


PROPOSED

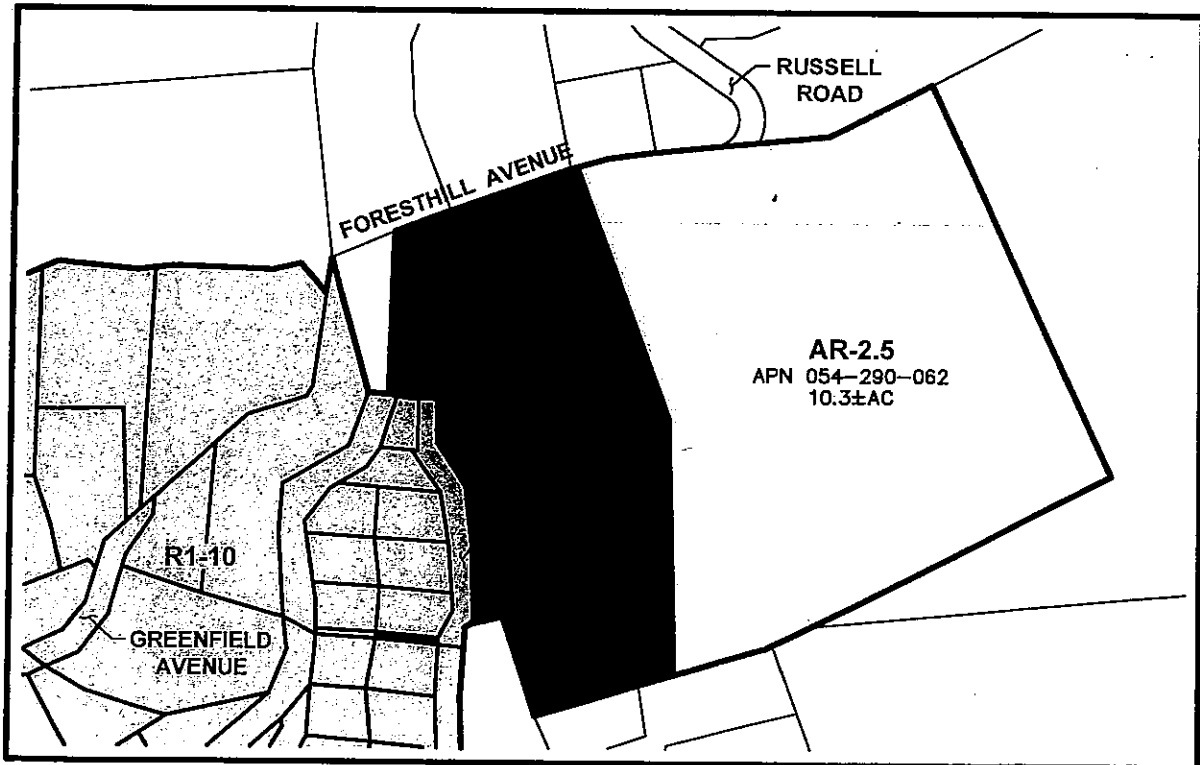


Rezoning Proposal

EXISTING



PROPOSED



EXHIBITS



EXHIBIT A

CITY COUNCIL RESOLUTION NO. 11-____

A RESOLUTION ADOPTING A CATEGORICAL EXEMPTION PREPARED FOR A PROPOSED APPLICATION FOR ANNEXATION OF TWO PROPERTIES TOTALING ±16.1 ACRES OF PROPERTY LOCATED AT 880 & 890 FORESTHILL AVENUE (ANN 11-1)

THE CITY COUNCIL OF THE CITY OF AUBURN DOES HEREBY FIND, RESOLVE AND ORDER AS FOLLOWS:

SECTION 1. The City Council has considered all of the evidence submitted which includes, but is not limited to:

1. Staff report prepared by the Community Development Department for the April 25, 2011, City Council meeting.
2. All related documents received or submitted at or prior to the meeting.
3. The City of Auburn General Plan, Subdivision Ordinance, Zoning Ordinance, City of Auburn Airport Land Use Plan, County of Placer General Plan and Zoning Ordinance, and all other applicable regulations and codes.

SECTION 2. In review of all of the foregoing evidence, the City Council finds the following:

1. The City Council, finds that the project is Categorically Exempt in accordance with Section 15319, Class 19 as the appropriate level of environmental review in accordance with the California Environmental Quality Act (CEQA) and Guidelines (**Attachment 1**).
2. The property is built out in accordance with the Placer County General Plan and no further development is proposed upon annexation into the City, as proposed.
3. The City Council has determined that the Categorical Exemption is the

1 appropriate level of environmental review for the proposed project.

2
3 Section 3. The time in which to seek judicial review of this decision shall
4 be governed by Code of Civil Procedure Section 1094.6. The City Clerk shall
5 certify to the adoption of this resolution, transmit copies of the same to the
6 applicant and his counsel, if any, together with a proof of mailing in the form
7 required by law and shall enter a certified copy of this resolution in the book of
8 resolutions of the City.

9
10 DATED: April 25, 2011

11
12 _____
13 William W. Kirby, M.D., Mayor

14 ATTEST:

15 _____
16 Joseph G. R. Labrie, City Clerk

17
18 I, Joseph G. R. Labrie, City Clerk of the City of Auburn, hereby certify
19 that the foregoing resolution was duly passed at a regular meeting of the City
of Auburn held on the 25th day of April 2011 by the following vote on roll call:

20 Ayes:

21 Noes:

22 Absent:

23 _____
24 Joseph G. R. Labrie, City Clerk

COUNTY RECORDER

Filing Requested by:

City of Auburn, CDD

Lance E. Lowe, AICP, Associate Planner

1225 Lincoln Way, Room 3

Address

Auburn, CA 95603

City, State, Zip

ATTACHMENT 1

Notice of Exemption

To: Placer County Clerk
2954 Richardson Drive
Auburn, CA 95603

To: Office of Planning and Research
1400 Tenth Street, Room 121
Sacramento, CA 95814



Project Title: Meyer Annexation (File # ANN 11-1) (530) 823-4211 ext 103
880 & 890 Foresthill Avenue
Auburn, CA 95603

Project Location: Subject property is located at 880 & 890 Foresthill Avenue

Project: Authorization to submit an application for annexation of two properties totaling ± 16.1 acres adjacent to the City of Auburn City limits.

Categorical Exemption: "15319, Class 19"

Reasons why project is exempt: Section 15319, Class 19 consists of the following annexations:

- a) Annexation to a city or special district of areas containing existing public or private structures developed to the density allowed by the current zoning or pre-zoning of either the gaining or losing governmental agency whichever is more restrictive, provided, however, that the extension of utility services to the existing facilities would have a capacity to serve only the existing facilities.
- b) Annexations of individual small parcels of the minimum size of facilities exempted by Section 15303, New Construction or Conversion of Small Structures.

This is to advise that the Auburn City Council, as the lead agency in accordance with CEQA, adopted a Categorical Exemption on April 25, 2011.

Lead Agency Contact Person: Lance E. Lowe, AICP, Associate Planner

Telephone Number: (530) 823-4211 ext. 103

Signature (Public Agency): _____ Date: _____

Date received for filing at OPR:

FILE # _____ FILE NAME _____
AUTHORIZED SIGNATURE _____

RECEIPT # _____
FEE STATUS _____

EXHIBIT B

RESOLUTION NO. 11-_____

A RESOLUTION AUTHORIZING THE SUBMISSION OF AN APPLICATION FOR ANNEXATION TO THE PLACER COUNTY LOCAL AGENCY FORMATION COMMISSION (LAFCO) FOR PROPERTY LOCATED AT 880 & 890 FORESTHILL AVENUE (ANN 11-1)

BE IT RESOLVED by the City Council of the City of Auburn as follows:

SECTION 1. The City Council desires to initiate proceedings pursuant to the Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000 (Government Code section 56000 *et. seq.*) for the annexation of two contiguous properties totaling ± 16.1 acres located at 880 & 890 Foresthill Avenue into the City of Auburn as illustrated in **Attachment 1** attached hereto and incorporated herein by reference.

1. The territory proposed to be annexed is uninhabited and an illustration of the boundaries of the territory is set forth in **Attachment 1** attached hereto and incorporated herein by reference.

2. The properties are within the sphere of influence of the City of Auburn.

3. Existing services are available to serve the properties proposed for annexation.

4. The proposed annexation of residential properties currently served by City services is consistent with the City of Auburn General Plan. The property is built out in accordance with the City of Auburn General Plan.

5. As all of the owners of record have agreed to the processing of this Application and the City of Auburn requests a waiver of conducting authority under Government Code Section 56663(a). and,

6. The annexation of properties into the City of Auburn is not subject to a Williamson Act Contract.

1 SECTION 2. Upon application approval by the Placer County Local Formation
2 Commission, the City Manager is hereby authorized to enter into and sign any
3 documentation necessary to ratify the property annexation.
4

5 DATED: April 25, 2011
6

7
8 William W. Kirby, M.D., Mayor

9 ATTEST:

10 Joseph G. R. Labrie, City Clerk
11
12

13 I, Joseph G. R. Labrie, City Clerk of the City of Auburn, hereby certify
14 that the foregoing resolution was duly passed at a regular meeting of the City
of Auburn held on the 25th day of April, 2011 by the following vote on roll call:

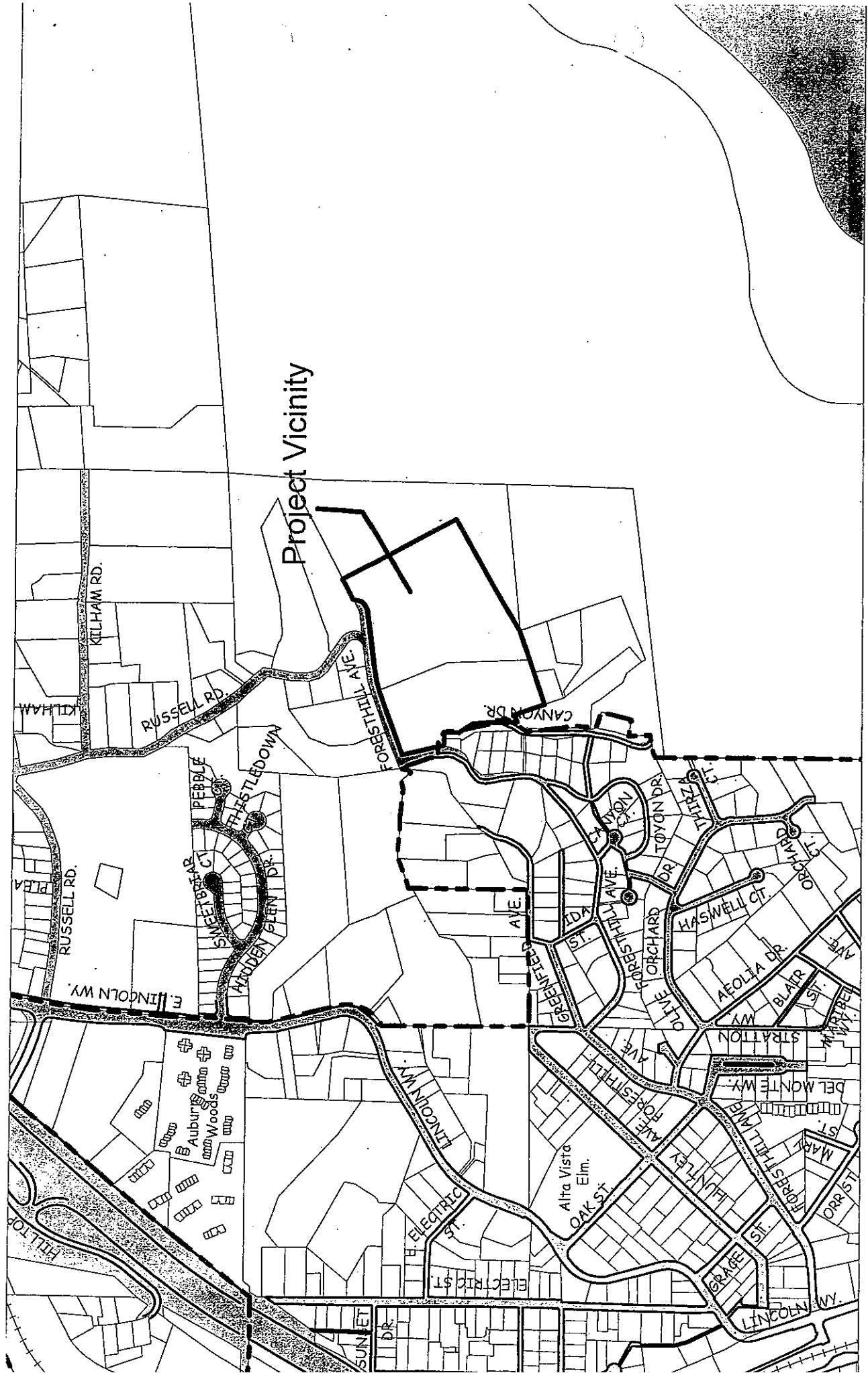
15 Ayes:

16 Noes:

17 Absent:

18 Joseph G. R. Labrie, City Clerk
19
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880 & 890 Foresthill Avenue





*Report to the
Successor Agency to
the Dissolved AUDA*

Action Item

Agenda Item No.

5

City Manager Approval

To: Mayor and City Council Members
From: Robert Richardson, City Manager
Megan Siren, Administrative Analyst (MS)
Date: September 9, 2013
Subject: Consideration of approving and adopting an update of the Recognized Obligation Payment Schedule pursuant to Health and Safety Code Section 34177

The Issue

Shall the City Council adopt a resolution approving and adopting an update to the Recognized Obligation Payment Schedule pursuant to Health and Safety Code Section 34177?

Conclusion and Recommendation

Staff recommends that City Council, serving as the successor agency to the dissolved Auburn Urban Development Authority, by RESOLUTION approve and adopt an update to the Recognized Obligation Payment Schedule pursuant to Health and Safety Code Section 34177.

Background

On June 28, 2011, as part of the 2011-12 State of California budget bill, companion bills Assembly Bill 1X 26 (AB 26) and Assembly Bill 1X 27 (AB 27) were enacted, dissolving the Auburn Urban Development Authority (AUDA), unless the City of Auburn (City) elected to participate in the Alternative Voluntary Redevelopment Program established by AB 27 and paid an annual "community remittance" payment to the County of Placer. On July 18, 2011, a Petition of Writ of Mandate was filed in the Supreme Court of the State of California in the matter of *California Redevelopment Association, et al. v. Ana Matosantos, et al.*, Case No S194861 (Legal Action), challenging the constitutionality of AB 26 and AB 27 on behalf of cities, counties and redevelopment agencies. On December 29, 2011, the Supreme Court issued its opinion in the Legal Action, upholding AB 26, invalidating AB 27, extending certain statutory deadlines under Health and Safety Code Sections 34170 through 34191, and dissolving all redevelopment agencies throughout the State effective February 1, 2012.

Analysis

The City elected to become the successor agency to AUDA by Resolution No. 12-03, dated January 9, 2012. One of the responsibilities of the City, as successor agency, is to prepare Recognized Obligation Payment Schedules (ROPS), which sets forth the nature, amount and source(s) of payment of all "enforceable obligations" of AUDA (as defined by law) to be paid by the successor agency after AUDA's dissolution, covering the forward-looking six month fiscal period.

The "enforceable obligations" listed in the ROPS may include the following: bonds, loans legally required to be repaid pursuant to a payment schedule with mandatory repayment terms; payments

required by the federal government, preexisting obligations to the state or obligations imposed by state law; judgments, settlements or binding arbitration decisions that bind the agency; legally binding and enforceable agreements or contracts; contracts or agreements necessary for the continued administration or operation of the agency, including agreements to purchase or rent office space, equipment and supplies; and amounts borrowed from or payments owing to the Low and Moderate Income Housing Fund of a redevelopment agency, which had been deferred as of June 29, 2011. However, the ROPS is to exclude pass-through payments to be made by the county after dissolution of AUDA and any agreements, contracts or arrangements between the City and AUDA, except any of the following agreements between the City and AUDA; (1) and written agreements between the City and AUDA entered into prior to December 31, 2010, solely for the purpose of securing or repaying indebtedness obligations to third parties; and (2) loan agreements entered into between the City and AUDA within two years of the date of creation of AUDA.

Pursuant to Health and Safety Code Section 34177(1)(2), as modified by the Supreme Court's opinion in the Legal Action, the City, as successor agency, is required to prepare updated ROPS covering a forward looking six-month period. As such, the ROPS for period January 1, 2014 – June 30, 2014 must be approved by the Successor Agency and Oversight Committee and received by the State and County by October 1, 2013.

The City, as successor agency, has prepared an updated ROPS covering the period from January 1, 2014 – June 30, 2014. The ROPS presenting herein is submitted in a new format recently released by the State Department of Finance. The format includes a “true-up” schedule for obligations reported and actually paid during the period of July 2012 – December 2012.

Alternatives Available to Council; Implications of Alternatives

1. Proceed with Staff Recommendation
2. Do not adopt a resolution. As successor agency to the former Auburn Urban Development Authority, the City is required to adopt an updated Recognized Obligation Payment Schedules for consideration by the Oversight Committee.

Fiscal Impact

City funds expended to prepare the updated ROPS are considered within the administrative reimbursement component of funds to be allocated from the Redevelopment Property Tax Trust Fund, to the extent available.

Attachments: Update ROPS
Resolution

Recognized Obligation Payment Schedule (ROPS 13-14B) - Summary

Filed for the January 1, 2014 through June 30, 2014 Period

Name of Successor Agency: Auburn

Name of County: Placer

Current Period Requested Funding for Outstanding Debt or Obligation			Six-Month Total
Enforceable Obligations Funded with Non-Redevelopment Property Tax Trust Fund (RPTTF) Funding Sources (B+C+D):			
A	Sources (B+C+D):		\$ -
B	Bond Proceeds Funding (ROPS Detail)		-
C	Reserve Balance Funding (ROPS Detail)		-
D	Other Funding (ROPS Detail)		-
E	Enforceable Obligations Funded with RPTTF Funding (F+G):		\$ 442,197
F	Non-Administrative Costs (ROPS Detail)		414,947
G	Administrative Costs (ROPS Detail)		27,250
H	Current Period Enforceable Obligations (A+E):		\$ 442,197

Successor Agency Self-Reported Prior Period Adjustment to Current Period RPTTF Requested Funding

I	Enforceable Obligations funded with RPTTF (E):	442,197
J	Less Prior Period Adjustment (Report of Prior Period Adjustments Column U)	-
K	Adjusted Current Period RPTTF Requested Funding (I-J)	\$ 442,197

County Auditor Controller Reported Prior Period Adjustment to Current Period RPTTF Requested Funding

L	Enforceable Obligations funded with RPTTF (E):	442,197
M	Less Prior Period Adjustment (Report of Prior Period Adjustments Column AB)	-
N	Adjusted Current Period RPTTF Requested Funding (L-M)	442,197

Certification of Oversight Board Chairman:
Pursuant to Section 34177(m) of the Health and Safety code, I
hereby certify that the above is a true and accurate Recognized
Obligation Payment Schedule for the above named agency.

Keith Nesbitt

Oversight Chairman

Name

Title

/s/

Signature

Date

Recognized Obligation Payment Schedule (ROPS) 13-14B - Report of Fund Balances

(Report Amounts in Whole Dollars)

Pursuant to Health and Safety Code section 34177(i), Redevelopment Property Tax Trust Fund (RPTTF) may be listed as a source of payment on the ROPS, but only to the extent no other funding source is available or when payment from property tax revenues is required by an enforceable obligation.												
A	B	C	D	E	F	G	H	I	J	K		
Fund Balance Information by ROPS Period												
Fund Sources												
		Bond Proceeds		Reserve Balance		Other		RPTTF				
		Bonds Issued on or before 12/31/10	Bonds Issued on or after 01/01/11	Review balances retained for approved enforceable obligations	RPTTF balances retained for bond reserves	Rent, Grants, Interest, Etc.	Non-Admin	Admin	Total	Comments		
ROPS III Actuals (01/01/13 - 6/30/13)												
	Beginning Available Fund Balance (Actual 01/01/13)											
1	Note that for the RPTTF, 1 + 2 should tie to columns L and Q in the Report of Prior Period Adjustments (PPAs)	-	-	-	169,253				\$	169,253		
2	Revenue/Income (Actual 06/30/13) Note that the RPTTF amounts should tie to the ROPS III distributions from the County Auditor-Controller	-	-	-		9,288	17,243	207,671	\$	234,202		
3	Expenditures for ROPS III Enforceable Obligations (Actual 06/30/13) Note that for the RPTTF, 3 + 4 should tie to columns N and S in the Report of PPAs	-	-	-			46,605	207,671	\$	254,276		
4	Retention of Available Fund Balance (Actual 06/30/13) Note that the Non-Admin RPTTF amount should only include the retention of reserves for debt service approved in ROPS III	-	-	-	169,253				\$	169,253	This amount is retained for partial funding of \$339,000 Debt Service Reserve required for bonds	
5	ROPS III RPTTF Prior Period Adjustment Note that the net Non-Admin and Admin RPTTF amounts should tie to columns O and T in the Report of PPAs			No entry required					\$	-		
6	Ending Actual Available Fund Balance (1 + 2 - 3 - 4 - 5)	\$ -	\$ -	\$ -	\$ -	\$ 9,288	\$ (29,362)	\$ -	\$ -	\$ (20,074)		
ROPS 13-14A Estimate (07/01/13 - 12/31/13)												
7	Beginning Available Fund Balance (Actual 07/01/13) (C, D, E, G, and I = 4 + 6, F = H4 + F6, and H = 5 + 6)	\$ -	\$ -	\$ -	\$ -	\$ 9,288	\$ (29,362)	\$ -	\$ -	\$ 149,179		
8	Revenue/Income (Estimate 12/31/13) Note that the RPTTF amounts should tie to the ROPS 13-14A distributions from the County Auditor-Controller	-	-				159,556		\$	159,556		
9	Expenditures for 13-14A Enforceable Obligations (Estimate 12/31/13)	-	-		-		329,948	54,000	\$	383,948		
10	Retention of Available Fund Balance (Estimate 12/31/13) Note that the RPTTF amounts may include the retention of reserves for debt service approved in ROPS 13-14A	-	-		-					\$ -		
11	Ending Estimated Available Fund Balance (7 + 8 - 9 - 10)	\$ -	\$ -	\$ -	\$ -	\$ 9,288	\$ (199,754)	\$ (54,000)	\$ -	\$ (75,213)		

Recognized Obligation Payment Schedule (ROPS) 13-14B - ROPS Detail
January 1, 2014 through June 30, 2014
 (Report Amounts in Whole Dollars)

[illegible]

Reported Obligations Payment Schedule (ROPS) 13-14B - Report of Prior Period Adjustments reported for the ROPS III (January 1, 2013 through June 30, 2013) Period Pursuant to Health and Safety Code (HSC) section 34186 (a) (Report Amounts in Whole Dollars)																											ROPS III CAC PPA: To be completed by the CAC upon submission of the ROPS III (SA) to Finance and the CAC											
ROPS II Successor Agency (SA) Self-reported Prior Period Adjustments (PPA) Pursuant to HSC Section 34186 (a). SAs are required to report the differences between their actual available funding and their actual expenditures for the ROPS II (SA) through December 2013 period. The amount of Repayment Property Tax Trust Fund (RPTTF) approved for the ROPS II (SA) through June 30, 2013 period pursuant to Health and Safety Code (HSC) Section 34186 (a) after expenses and the prior period adjustments self-reported by SAs are subject to audit by the county auditor/controller (CAC) and the State Controller.		A	B	C	D	E	F	G	H	I	J	K	L	M	N	O	P	Q	R	S	T	U	V	W	X	Y	Z	AA	AB									
Item #	Project Name (Oral Completion)	Non-RPTTF Expenditures												RPTTF Expenditures												Net SA Non-Admin and Admin PPA		Non-Motion CAC		Admin CAC		Net CAC Non-Admin and Admin PPA						
		Lump Sum Disbursements (Report EDCI entered balance)		Reserve Balance (Report EDCI entered balance)		Direct Fund		Capital		RPTTF		RPTTF		RPTTF		RPTTF		RPTTF		RPTTF		RPTTF		RPTTF		RPTTF		RPTTF		RPTTF		RPTTF						
		Authorized	Actual	Authorized	Actual	Authorized	Actual	Authorized	Actual	Authorized	Actual	Authorized	Actual	Authorized	Actual	Authorized	Actual	Authorized	Actual	Authorized	Actual	Authorized	Actual	Authorized	Actual	Authorized	Actual	Authorized	Actual	Authorized	Actual							
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Recognized Obligation Payment Schedule 13-14B - Notes January 1, 2014 through June 30, 2014	
Item #	Notes/Comments

RESOLUTION NO. 13-

A RESOLUTION OF THE CITY OF AUBURN OF THE CITY OF AUBURN, SERVING
AS THE SUCCESSOR AGENCY TO THE DISSOLVED AUBURN URBAN
DEVELOPMENT AUTHORITY, APPROVING AND ADOPTING AN UPDATE OF THE
RECOGNIZED OBLIGATION PAYMENT SCHEDULE PURSUANT TO HEALTH AND
SAFETY CODE SECTION 34177

THE CITY COUNCIL OF THE CITY OF AUBURN DOES HEREBY RESOLVE:

WHEREAS, pursuant to Health and Safety Code Section 34173(d), the City of
Auburn (Successor Agency) elected to become the successor agency to the
Auburn Urban Development Authority by Resolution No. 12-03 on January 9,
2012; and

WHEREAS, Health and Safety Code Section 34183, as modified by the
Supreme Court decision in *California Redevelopment Association, et al. v. Ana
Matosantos, et al.*, Case No. S194861, requires the Successor Agency to
prepare updated recognized obligation payment schedules (ROPS) for each six
month fiscal period beginning January 1 and July 1 each year; and

WHEREAS, Health and Safety Code Section 34177(1)(2) requires the Successor
Agency to submit the updated ROPS to an external auditor, either the Placer
County Auditor-Controller or its designee, for the auditor's review and
certification as to its accuracy; and

WHEREAS, Health and Safety Code Section 34177(1)(2) requires the Successor
Agency to submit the ROPS certified by the external auditor (Certified ROPS) to
the Successor Agency's oversight board for its approval, and upon such
approval, the Successor Agency is required to submit a copy of the approved
ROPS (Approved ROPS) to the Placer County Auditor-Controller, the California
State Controller, and the State of California Department of Finance, and post
the Approved ROPS on the Successor Agency's website; and

1 WHEREAS, all other legal prerequisites to the adoption of this Resolution have
2 occurred.

3 NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF AUBURN, SERVING AS
4 THE SUCCESSOR AGENCY TO THE AUBURN URBAN DEVELOPMENT
5 AUTHORITY, DOES HEREBY RESOLVE AS FOLLOWS:

6 **Section 1. Recitals.** The Recitals set forth above are true and correct and are
7 incorporated into this Resolution by this reference.

8 **Section 2. CEQA Compliance.** The approval of the updated ROPS through
9 this Resolution does not commit the Successor Agency to any action that may
10 have a significant effect on the environment. As a result, such action does not
11 constitute a project subject to the requirements of the California Environmental
12 Quality Act.

13 **Section 3. Approval of Updated ROPS.** The Successor Agency hereby
14 approves and adopts the updated ROPS, in substantially the form attached to
15 this Resolution as Exhibit A, as required by Health and Safety Code Section
16 34177.

17 **Section 4. Transmittal of Updated ROPS.** The City Manager is hereby
18 authorized and directed to take any action necessary to carry out the purposes
19 of this Resolution and comply with applicable law regarding the updated ROPS,
20 including submitting the updated ROPS to the Placer County Auditor-Controller,
21 or its designee, the submission of the Certified ROPS to the Successor Agency's
22 oversight board, upon the oversight board's formation, the submission of the
23 Approved ROPS to the Placer County Auditor-Controller, the California State
24 Controller, and the State of California Department of Finance, and posting the
25 Approved ROPS on the Successor Agency's website.

26 **Section 5. Effectiveness.** This Resolution shall take effect immediately upon
27 its adoption.
28

1 PASSED, APPROVED AND ADOPTED at a regular meeting of the City of Auburn,
2 serving as the successor agency to the Auburn Urban Development Authority,
3 on 9th day of September, by the following vote:

4 AYES:

5 NOES:

6 ABSTAIN:

7 ABSENT:
8
9

10 _____
Kevin Hanley, Mayor

11 ATTEST:

12 _____
13 Stephanie L. Snyder, City Clerk
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Report to the Auburn City Council

Action Item **7**
Agenda Item No.

[Signature]
City Manager's Approval

To: Mayor and City Council Members
From: Lance E. Lowe, AICP, Associate Planner *[Signature]*
Date: September 9, 2013
Subject: Second Reading of An Ordinance Repealing Section 158.236 and Adding New Sections of the Auburn Municipal Code for Street Naming.

The Issue

Should the City Council Adopt a Second Reading of an Ordinance Repealing Section 158.236 and Adding New Sections of the Auburn Municipal Code for Street Naming?

Conclusions and Recommendation

Staff recommends that the City Council take the following action:

Hold a Second Reading, by Title only, of an Ordinance Repealing Section 158.236 and Add New Sections of the Auburn Municipal Code for Street Naming, as amended by the City Council.

Background

On August 26, 2013, the City Council adopted a first reading of the Street Naming Ordinance, which included three edits: 1) Exempt private streets in Section 158.236 (A)(1); 2) Amend the Title Heading in Section 158.236 (C); and, 3) Eliminate the fees for Alternative Street Name Applications in Section 158.236 (E)(1)& (2) (**Exhibit A of Attachment 1 – Amended Street Naming Ordinance as adopted by City Council**).

Further, the City Council directed staff to notify applicants with existing Tentative Maps again. As directed, staff sent notices on August 27, 2013 and followed up with a telephone message. No comments have been received on the proposed Street Naming Ordinance.

Project Description

The Street Naming Ordinance repeals existing Section 158.236 and adds new provisions to the Auburn Municipal Code thereby codifying regulations for Street Naming (**Exhibit A – Planning Commission Staff Report dated August 6, 2013**).

A Second Reading is required to finalize the processing of the ordinance. Should the City Council decide to adopt the Second Reading of the Street Naming Ordinance on September 9, 2013, the Ordinance will become effective thirty (30) days thereafter.

Alternatives Available to Council; Implications of Alternatives

- A. Hold a Second Reading and adopt Ordinance as presented;
- B. Deny the Second Reading; or,
- C. Amend the Ordinance and Introduce and hold a first reading, by title only, as amended.

Fiscal Impacts

The staff costs incurred for the preparation of the draft ordinance, in consultation with the City Attorney, have been budgeted.

Additional Information

Please see the following attachments for more details:

ATTACHMENT –

- 1. Ordinance No. 13-_____ with Attached Street Naming Ordinance

**EXHIBIT ON FILE WITH THE CITY CLERK AND
PROVIDED TO CITY COUNCIL PREVIOUSLY UNDER SEPARATE COVER**

EXHIBIT –

- A. August 26, 2013 City Council Staff Report with Attachments and Exhibits



ATTACHMENT

ORDINANCE NO. 13-____

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF AUBURN REPEALING
SECTION 158.236 AND ADDING NEW SECTIONS OF THE AUBURN MUNICIPAL
CODE ESTABLISHING STREET NAMING REGULATIONS.

THE CITY COUNCIL OF THE CITY OF AUBURN DOES ORDAIN AS FOLLOWS

Section One: Findings. The City Council of the City of Auburn hereby
finds:

1. Street names in the City of Auburn should reflect Auburn's rich history
and should pay homage to prominent people in Auburn's rich history.

2. The City also desires to provide a uniform system for road naming of
public and private roads within the City to provide clarification of road naming
policies and procedures and to assist emergency providers in locating
properties.

3. In accordance with the California Environmental Quality Act the
Street Naming Ordinance is determined to be Categorically Exempt from the
provisions of CEQA per Section 15061 (b)(3) of the CEQA Guidelines.

Section Two: Code Amendments.

1. Chapter 158.236 et. seq. is hereby added to the Auburn Municipal
Code in the form attached hereto as ***Exhibit A.***

Section Three: Effective Date. This Ordinance shall take effect thirty
days following its adoption as provided by Government Code Section 36937.

Section Four: Severability. Should any provision, section, paragraph,
sentence or word of this Ordinance be rendered or declared invalid by any
court of competent jurisdiction or by reason of any preemptive legislation, the

1 remaining provisions, sections, paragraphs, sentences or words of this
2 Ordinance shall remain in full force and effect.

3
4 **Section Five: Certification.** The City Clerk shall certify to the passage
5 and adoption of this Ordinance and shall give notice of its adoption as required
6 by law.

7
8 DATED: September 9, 2013

9

Kevin Hanley, Mayor

10 ATTEST:

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12 Stephanie L. Snyder, City Clerk

13 I, Stephanie L. Snyder, City Clerk of the City of Auburn, hereby certify
14 that the foregoing ordinance was duly passed at a regular meeting of the City
15 Council of the City of Auburn held on the 9th day of September 2013 by the
16 following vote on roll call:

17 Ayes:

18 Noes:

19 Absent:

20

Stephanie L. Snyder, City Clerk

ORDINANCE NO. 13- _____

AN ORDINANCE OF THE CITY OF AUBURN REPEALING SECTIONS 158.236
AND ADDING NEW SECTIONS OF THE AUBURN MUNICIPAL CODE
ESTABLISHING STREET NAMING REGULATIONS

Exhibit A

CHAPTER 158: STREET NAMING

158.236	Purpose
158.236 (A)	Applicability
158.236 (B)	Street Name Index
158.236 (C)	Approved Street Name List
158.236 (D)	Street Names Required
158.236 (E)	Street Names
158.236 (F)	Street Name Conformance
158.236 (G)	Right of City to Rename
158.237	Street Name Signs

§ 158.236 PURPOSE

This chapter establishes standards for the naming of streets and the location of required signage. As used in this chapter, “streets” includes roads, alleyways, and similar rights of way for public and private vehicle and pedestrian traffic.

(A) *Applicability.* The provisions and standards of this chapter are applicable to:

(1) All **public** streets, ~~public and private~~, located within the Auburn City limits;
and,

(2) All **public** streets shown on parcel maps and subdivision maps approved for filing with the County Recorder’s Office within the Auburn City limits.

(B) *Street Name Index.* The Public Works Department shall maintain the Street Name Index to identify all official street names for existing streets within the incorporated areas of the City.

(C) *Approved Suggested Street Name List.* A list of street names which are not currently in use, but are approved for new or existing unnamed streets, shall be compiled and approved by the City Council and maintained by the Public Works Department.

(D) *Street Names Required.* Street names shall be required for:

- (1) *New Streets.* Any new **public** street shown on a parcel map or subdivision map shall be officially named concurrently with the approval of the Final Map.
- (2) *Existing Streets.* Prior to the issuance of a building permit to construct an unnamed **public** street, if a map is not applicable, street names for existing unnamed **public** streets shall be assigned pursuant to this chapter.

(E) Street Names.

- a. All street names shall be selected from the ~~Approved~~ **Suggested** Street Name List.
- b. Applicants may request alternative street names, not on the ~~Approved~~ **Suggested** Street Name List, subject to City Council approval as follows:

(1) *Existing Streets.* An application shall be filed with the Public Works Department, ~~with applicable fees as adopted by resolution by the City Council,~~ requesting alternate street names with justification for said request. The City Council shall consider the request and may approve, conditionally approve, or deny the alternative street name application.

(2) *New Streets.* Alternate street names shown on a parcel map or subdivision may be considered by the City Council concurrently with approval of the Final Map, ~~with applicable fees as adopted by resolution by the City Council,~~ requesting alternate street names with justification for said request. The City Council shall consider the request and may approve, conditionally approve, or deny the alternative street name application.

- c. Proposed street names shall not duplicate, nor too closely approximate phonetically, the name of any street in the city or the adjacent area. When streets are continuations of existing streets, the existing names shall be used. Names shall be coordinated with the United States Post Office.

(F) Street Name Conformance. With the exception of existing streets, all streets shall be known by the same name for the entire length of the street.

(G) Right of City to Rename. The City Council shall have the right to name or rename all city streets and private access or easements within the city.

§ 158.237 STREET NAME SIGNS.

The ~~subdivider~~ **applicant** shall erect a street name sign at each intersection. The location of the signs shall be as designated by the City Engineer.
(1973 Code § 9-3.1675 (Ord. 770, eff. 3-24-1982))

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